

## COMMERCE WITH GUATEMALA.

On motion of Mr. HITCHCOCK, the following convention between the United States and Guatemala, signed December 3, 1918, was ratified and the injunction of secrecy removed therefrom:

*The Senate:*

I transmit herewith, to receive the advice and consent of the Senate to its ratification, a convention between the United States and Guatemala, signed December 3, 1918, for the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen.

Respectfully submitted.

WOODROW WILSON.

THE WHITE HOUSE,  
Washington, December 3, 1918.

*The President:*

The undersigned, the Secretary of State, has the honor to lay before the President with a view to its transmission to the Senate, if his judgment approve thereof, to receive the advice and consent of the Senate to its ratification, a convention between the United States and Guatemala, signed December 3, 1918, for the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen.

Respectfully submitted.

ROBERT LANSING.

DEPARTMENT OF STATE,  
Washington, December 3, 1918.

The United States of America and the Republic of Guatemala, being desirous to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen, have agreed to conclude a convention for that purpose and have to that end appointed as their plenipotentiaries: The President of the United States of America; Robert Lansing, Secretary of State of the United States; and the President of the Republic of Guatemala, Señor Don Joaquín Méndez, his envoy extraordinary and minister plenipotentiary to the United States, who, having communicated to each other their full powers, which were found to be in due form, have agreed upon the following articles:

## ARTICLE I.

Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

## ARTICLE II.

In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.

## ARTICLE III.

A commercial traveler may sell his samples without obtaining a special license as an importer.

## ARTICLE IV.

Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped, or defaced in such manner that they can not be put to other uses shall be considered as objects without commercial value.

## ARTICLE V.

Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

## ARTICLE VI.

All customs formalities shall be simplified as much as possible with a view to avoid delay in the dispatch of samples.

## ARTICLE VII.

Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

## ARTICLE VIII.

No license shall be required of—

(a) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(b) Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.

(c) Travelers who are exclusively buyers.

## ARTICLE IX.

Any concessions affecting any of the provisions of the present treaty that may hereafter be granted by either high contracting party, either by law or by treaty or convention, shall immediately be extended to the other party.

## ARTICLE X.

This convention shall be ratified, and the ratifications shall be exchanged at Washington or Guatemala within two years, or sooner if possible.

The present convention shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time. And it is hereby agreed between the parties that, on the expiration of six months after such notice shall have been received by either of them from the other party as above mentioned, this convention shall altogether cease and terminate.

In testimony whereof the respective plenipotentiaries have signed these articles and have thereunder affixed their seals.

Done in duplicate, at Washington, this 3d day of December, 1918.

## RECESS.

Mr. SIMMONS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Friday, December 20, 1918, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nomination received by the Senate December 19 (legislative day of December 15), 1918.*

## INTERSTATE COMMERCE COMMISSION.

Joseph B. Eastman, of Massachusetts, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1922, vice George W. Anderson, resigned.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 19 (legislative day of December 15), 1918.*

## ASSISTANT CHIEF INSPECTOR OF LOCOMOTIVE BOILERS.

John A. Shirley to be assistant chief inspector of locomotive boilers.

## APPOINTMENT IN THE NAVY.

Victor Blue to be Chief of the Bureau of Navigation in the Department of the Navy, with the rank of rear admiral.

## HOUSE OF REPRESENTATIVES.

THURSDAY, December 19, 1918.

The House met at 12 o'clock noon.

The Rev. Earle Willey, of the Vermont Avenue Christian Church, Washington, D. C., offered the following prayer:

Almighty God, Thou who art the giver of every good and perfect gift, from whom we take our being and to whom we must at last give account of ourselves, we pray that Thy holy word may have lodgment in our hearts to-day and Thy holy spirit attend us along the journey of life. Be with the deliberations of this day in the House, keep Thy servants in perfect peace, in clearness of mind, in strength of heart and purpose, and to Thy name shall be all the praise, through Jesus Christ, our Lord, Amen.

The Journal of the proceedings of yesterday was read and approved.

## CONTESTED-ELECTION CASE—WICKERSHAM AGAINST SULZER.

Mr. WILSON of Louisiana. Mr. Speaker, I desire to give notice that the contested-election case of Wickersham against Sulzer will be taken up in the House on the 3d day of January.

Mr. STAFFORD. The gentleman from Louisiana will notice that the 3d of January is Friday of the week in which New Year's occurs.

Mr. WILSON of Louisiana. Yes.

Mr. STAFFORD. And a great number of the Members will not be here.

Mr. FOSTER. They ought to be here.

Mr. STAFFORD. Yes; but many Members have not their families here with them, and they have gone home to spend the holidays with their families.

Mr. WILSON of Louisiana. I imagine that there will be a quorum here on that day.

Mr. STAFFORD. I think it would be more convenient for the membership of the House if we took it up on the Monday following.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12945. An act providing for the purchase of uniforms, accouterments, and equipment by officers of the Navy, Marine Corps, and Coast Guard, and midshipmen at the Naval Academy from the Government at cost; and

H. R. 12916. An act to provide for the temporary promotion of commissioned officers of the Marine Corps serving with the Army.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 12001) entitled "An act to amend an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,'" approved March 3, 1911.

## SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 988. An act providing for the payment of certain interest on items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation; to the Committee on Indian Affairs.

## RESOLUTION BY NATIONAL ASSEMBLY OF PANAMA (H. DOC. NO. 1607).

The SPEAKER laid before the House a communication from the Acting Secretary of State, as follows, which was ordered to be printed, with accompanying documents, and referred to the Committee on Foreign Affairs:

DEPARTMENT OF STATE,  
Washington, December 17, 1918.

Hon. CHAMP CLARK,  
Speaker of the House of Representatives.

SIR: I have the honor to inclose for the information of the House of Representatives a copy of a dispatch from the American minister at Panama, communicating a copy of the resolution adopted by the National Assembly of Panama on November 11 last felicitating the Government of the United States and the Governments of the allies on the signature of the armistice on November 11, 1918.

I have the honor to be, sir,  
Your obedient servant,

FRANK L. POLK,  
Acting Secretary of State.

## AMENDING THE LAW RELATING TO STATISTICS OF COMMERCE AND NAVIGATION.

Mr. SIMS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4924) to substitute the calendar year for the fiscal year for statistical reports from the Bureau of Foreign and Domestic Commerce in the Department of Commerce. The bill has passed the Senate, and if passed now the department can put the new year in force on the 1st day of January. The committee has had a hearing and feels satisfied that it is legislation that ought to be enacted.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill S. 4924, which the Clerk will report.

The Clerk read as follows:

An act (S. 4924) to amend section 336 of the Revised Statutes of the United States relating to the annual report on the statistics of commerce and navigation of the United States with foreign countries.

*Be it enacted, etc.*, That section 336 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out the word "fiscal" immediately preceding the word "year" at the end of the first sentence of said section and by inserting in lieu thereof the word "calendar."

Mr. STAFFORD. Mr. Speaker, the bill does not give us very much information, and I think the gentleman from Tennessee should give us some statement as to the real purpose of the bill.

Mr. SIMS. The report is very short, although we had a full hearing in the committee.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that before the objection is waived that the report be read.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the report (by Mr. SIMS), as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 4924) to amend section 336 of the Revised Statutes of the United States relating to the annual report on the statistics of commerce and navigation of the United States with foreign countries, having considered the same, report thereon with a recommendation that it pass.

The following is the report of the Senate Committee on Commerce on this bill:

"The Committee on Commerce, to whom was referred the bill (S. 4924) to amend section 336 of the Revised Statutes of the United States relating to the annual report on the statistics of commerce and navigation of the United States with foreign countries, having considered the same, report favorably thereon with the recommendation that the bill do pass.

"The bill has been referred to the Secretary of Commerce, and his report thereon (together with communications from the chairman of the United States Shipping Board and the War Industries Board with reference to H. R. 11848, on the same subject) is as follows:

DEPARTMENT OF COMMERCE.

OFFICE OF THE SECRETARY.

Washington, September 19, 1918.

"MY DEAR SENATOR: In response to your communication of September 14, requesting for your committee suggestions touching the merits of S. 4924 and the propriety of its passage, I take pleasure in advising you as follows:

"From time to time it has been proposed that the annual official report on the statistics of foreign trade of the United States which, as provided in paragraph 1 of section 336 of the Revised Statutes, is now required to be issued to the close of the fiscal year ending June 30, be changed to cover the period to the close of the calendar year.

"At the time when this law was passed these statistics were compiled and published principally for the information and guidance of the Government particularly as a guide for legislation. In later years the use of foreign-trade statistics by industrial and commercial organizations has been rapidly increasing, and as their business year is more largely than any other the calendar year they find it inconvenient not to be able to procure official statistics of our foreign trade of calendar years.

"The chief value of trade statistics lies in their comparability with statistics of production and with trade statistics of other countries. Practically all the statistics of production, both agricultural and industrial, that are compiled and published by the executive departments of this Government, as well as of other governments, relate to the calendar year, as, for instance, the statistics of manufacture, etc., compiled by the Bureau of the Census of this department, the statistics of mineral production compiled by the Geological Survey, and the statistics of agricultural production and estimates compiled and published by the Department of Agriculture. The United States is the only important country in the world which publishes its foreign-trade statistics for the fiscal year rather than for the calendar year, the only other countries being Mexico, Turkey, Persia, Honduras, and Haiti, and the following British colonial possessions: Canada, Australia, and India.

"The change proposed in the pending bills has been recommended by a special statistical committee appointed by the Department of the Treasury and the Department of Commerce as well as by a special statistical committee of the Chamber of Commerce of the United States. Moreover, at the present time the Shipping Board, the War Trade Board, and the War Industries Board, which boards are making very valuable use of our statistics in connection with the Government's control of trade and industry, and particularly the Shipping Board in its efforts to conserve tonnage for military use, are all very anxious to have these statistics issued for the calendar instead of for the fiscal year. For this reason the proposed legislation may be looked upon as a war-time measure, the speedy enactment of which will be of considerable assistance in the fulfillment of our military program.

"I am taking the liberty of sending with this letter a copy of the latest issue of Commerce and Navigation of the United States, being the report authorized by section 336 of the Revised Statutes and which it is now desired to have relate to the calendar rather than the fiscal year. Should you desire additional copies of this report for any or all of the members of your committee, they will be gladly furnished on request.

Very truly, yours,

WILLIAM C. REDFIELD,

Secretary.

Hon. DUNCAN U. FLETCHER,

United States Senate, Washington, D. C.

UNITED STATES SHIPPING BOARD.

Washington, September 19, 1918.

Hon. DUNCAN U. FLETCHER,

Chairman Senate Committee on Commerce.

United States Senate, Washington, D. C.

"MY DEAR SENATOR FLETCHER: My attention has been called to a bill now pending in the House (H. R. 11848) providing for the compilation of foreign-trade statistics, published by the Bureau of Foreign and Domestic Commerce of the Department of Commerce, by the calendar year rather than the fiscal year.

"Inasmuch as statistics are valuable to the extent that they may be used in reference to future action, and inasmuch as such value is greatly enhanced if statistics are readily comparable with other statistics of a like nature, it seems to me highly desirable that the foreign-trade statistics of the Department of Commerce should be brought in line with the statistics gathered by the Bureau of the Census, Geological Survey, Bureau of Mines, and trade statistics of most of the foreign countries. All these statistics are published for the calendar year. I feel confident that this legislation will find ready acceptance in your committee, but write to you in view of my personal interest in foreign-trade matters.

With kindest regards, I am,

Yours, very truly,

EDWARD N. HURLEY,

Chairman.



"WAR INDUSTRIES BOARD,  
Washington, September 20, 1918.

"HON. DUNCAN U. FLETCHER,

Chairman Senate Committee on Commerce.

United States Senate, Washington, D. C.

"MR. DEAR SENATOR: The bill H. R. 11848 authorizing a change from the fiscal to the calendar year in the compilation of foreign-trade statistics in the annual report of the commerce and navigation of the United States, as published by the Department of Commerce, would, in my opinion, effect a valuable aid to American business and statistical organizations. Because of that I should like to see the proposed legislation enacted.

"Very respectfully,

"B. M. BARUCH."

The SPEAKER. Is there objection?

Mr. GREEN of Iowa. Mr. Speaker, reserving the right to object, I would like to make an inquiry of some gentleman to explain the bill, whether it be the gentleman from Tennessee or the gentleman from Wisconsin.

Mr. SIMS. I would be glad to have the gentleman from Wisconsin answer the question, as he is very familiar with the facts.

Mr. GREEN of Iowa. Does this pertain to the matter included in the monthly reports called the Reports of Commerce and Navigation, which are subsequently bound in the annual report?

Mr. ESCH. It covers that, although they get out an annual report.

Mr. GREEN of Iowa. Does this apply simply to the annual report? I ask for this reason: The committees that are making up the bills, especially the Ways and Means Committee, need the report that corresponds to the fiscal year, with reference to the amount of imports and exports, especially imports, in order that we may know how much tariff dues to lay for the fiscal year. We ought to have some report of the fiscal year. If we do not we will have to do a large amount of work ourselves to sift it out of the report for the calendar year.

Mr. ESCH. I understand from the officials of the Bureau of Foreign and Domestic Commerce that they would make out a report for six months, and also the annual report. They would make out some annual reports which would give the committee the information the gentleman seeks.

Mr. GREEN of Iowa. And we will still receive the monthly reports?

Mr. ESCH. Yes. The object is to harmonize the foreign statistics as to exports and imports with the statistics we are gathering in other fields. The agricultural statistics are for the calendar year, and the statistics of the Geological Survey as to minerals are annual. Up to 1916 the Interstate Commerce Commission gathered the statistics of railroads for the fiscal year, but in the latter part of 1915 they issued an order making these reports based on the calendar year. So that these three great statistical bureaus are all on the calendar-year basis. We are trying to put the foreign and domestic commerce statistics on the same basis, to correspond likewise with the statistics furnished by all the great commercial nations of the world, and it ought to be done at once, so that the department can begin on the 1st of January.

Mr. SIMS. Mr. Speaker, one further statement which the gentleman from Wisconsin did not refer to: It was testified before our committee that under the present plan of making reports business men and corporations were continually calling for reports with reference to foreign trade, and as these were made up at the end of the fiscal year there was some difficulty, requiring much more time to get up reports for the calendar year to comply with the special inquiries made. If this bill was passed it would save a great deal of work for the bureau that they now have to do in order to supply people with the statistical information that they request on the calendar-year basis.

Mr. NORTON. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. SIMS. Yes.

Mr. NORTON. I note that the report urged as a reason for the passage of this legislation that it was a war measure.

Mr. SIMS. That was the statement before the Senate committee.

Mr. NORTON. And the argument for its passage was that it was a war measure. In what way does the chairman of the committee hold that this particular legislation is a war measure, needed to carry on the war?

Mr. SIMS. That statement was made by the Secretary to the Senate committee, in his letter to the Senate committee.

Mr. NORTON. I call attention to that for the reason that I think that statement is ridiculous. It seems to me this legislation is meritorious, from a business point of view. There is a real need for it, but it has nothing to do with the war.

Mr. SIMS. We are not asking for the bill on that account.

Mr. ESCH. Mr. Speaker, in reply to the gentleman's suggestion, that letter was written before the signing of the armis-

tice, and prior to that date the War Industries Board and the War Trade Board made numerous demands on the Bureau of Foreign and Domestic Commerce for statistics, and the information given was important to these two war boards. That is possibly why in that letter it was referred to as a quasi war-time measure.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make an inquiry. What has this to do with the war?

Mr. SIMS. The war now?

Mr. MANN. Yes.

Mr. SIMS. Nothing that I know of.

Mr. MANN. I notice that the principal reason why the Secretary of Commerce asks for the enactment of this legislation is contained in this sentence:

For this reason the proposed legislation may be looked upon as a war-time measure, the speedy enactment of which will be of considerable assistance in the fulfillment of our military program.

Is it not about time that the various departments of the Government asking for legislation by Congress should quit trying to impose upon Congress the idea that legislation in no wise connected with the war is desired to further the interests of the military program?

Mr. SIMS. There was nothing before our committee to that effect.

Mr. MANN. Oh, yes; this was before the committee, and it was just read from the Clerk's desk at the gentleman's request as a part of the report of the committee, and it was the only thing practically that the committee had before it.

Mr. SIMS. Oh, no. We had hearings, and officials from the Department of Commerce were there, and they did not even refer to the war.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time and was read the third time and passed.

On motions of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. STEENERSON. Mr. Speaker, I ask the Chair to lay before the House the bill (H. R. 11709) granting the consent of Congress to the village and township of Halstad, Norman County, Minn., and the township of Herbert, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States. It is a House bill with Senate amendments.

The SPEAKER. The Chair lays before the House the bill H. R. 11709, a House bill with Senate amendments, which the Clerk will report.

The Clerk read the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

#### AMERICAN COMMITTEE FOR RELIEF IN THE NEAR EAST.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent to discharge the Committee on the Judiciary from further consideration of the bill (S. 4785) to incorporate the American Committee for Relief in the Near East, and that the same be considered at this time.

Mr. MANN. Where is the Senate bill now?

Mr. MONTAGUE. It is before the Committee on the Judiciary. A similar House bill has been unanimously reported by the Committee on the District of Columbia.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate bill 4785, and that the same be taken up for consideration at this time. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following persons, namely, James L. Barton, Samuel T. Dutton, Cleveland H. Dodge, Henry Morgenthau, Edwin M. Bulkeley, Alexander J. Hemphill, Charles R. Crane, William Howard Taft, Charles Evans Hughes, Ellhu Root, Harry Pratt Judson, Charles E. Beury, Arthur J. Brown, John B. Calvert, William I. Chamberlain, William T. Ellis, James Cardinal Gibbons, Jerome D. Greene, David H. Greer, Harold A. Hatch, William I. Haven, Myron T. Herrick, Hamilton Holt, Frank W. Jackson, Arthur Curtiss James, Frederick Lynch, Vance C. McCormick, Charles S. Macfarland, Henry B. F. Macfarland, William B. Miller, John R. Mott, Frank Mason North, George A. Plimpton, Philip Rhinelander, William Jay Schieffelin, George T. Scott, Albert Shaw, William Sloane, Edward Lincoln Smith, Robert Eliot Spear, James M. Speers, Oscar S. Straus, Charles V. Vickrey, Harry A. Wheeler, Stanley White, Ray Lyman Wilbur, Talcott Williams, and Stephen S. Wise, their associates and successors duly chosen, are hereby incorporated and declared to be a body corporate of the District of Columbia

by the name of the American Committee for Relief in the Near East and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions herein contained.

Sec. 2. That the object for which said corporation is incorporated shall be to provide relief and to assist in the repatriation, rehabilitation, and reestablishment of suffering and dependent people of the Near East and adjacent areas; to provide for the care of orphans and widows, and to conduct any industrial enterprises or operations of a philanthropic character which may, in the judgment of the corporation, be necessary to promote the social, economic, and industrial welfare of those who have been rendered destitute, or dependent directly or indirectly, by the vicissitudes of war, the cruelties of men, or other causes beyond their control.

Sec. 3. That the direction and management of the affairs of the corporation, and the control of its property and funds, shall be vested in a board of trustees, to be composed of the following individuals: James L. Barton, Samuel T. Dutton, Cleveland H. Dodge, Henry Morgenthau, Edwin M. Bulkeley, Alexander J. Hemphill, Charles R. Crane, William Howard Taft, Charles Evans Hughes, Elihu Root, Harry Pratt Judson, Charles E. Beury, Arthur J. Brown, John B. Calvert, William L. Chamberlain, William T. Ellis, James Cardinal Gibbons, Jerome D. Greene, David H. Greer, Harold A. Hatch, William I. Haven, Myron T. Herrick, Hamilton Holt, Frank W. Jackson, Arthur Curtiss James, Frederick Lynch, Vance C. McCormick, Charles S. Macfarland, Henry B. F. Macfarland, William B. Millar, John R. Mott, Frank Mason North, George A. Plimpton, Philip Rhinelander, William Jay Schieffelin, George T. Scott, Albert Shaw, William Sloane, Edward Lincoln Smith, Robert Eliot Speer, James M. Speers, Oscar S. Straus, Charles V. Vickrey, Harry A. Wheeler, Stanley White, Ray Lyman Wilbur, Talcott Williams, and Stephen S. Wise, who shall constitute the first board of trustees and constitute the members of the corporation. Vacancies occurring by death, resignation, or otherwise shall be filled by the remaining trustees in such manner as the by-laws shall prescribe, and the persons so elected shall thereupon become trustees and also members of the corporation.

Sec. 4. That the principal office of the corporation shall be located in the District of Columbia, but offices may be maintained and meetings of the corporation or of the trustees and committees may be held in other places, such as the by-laws may from time to time fix.

Sec. 5. That the said trustees shall be entitled to take, hold, and administer any securities, funds, or property which may be transferred to them for the purposes and objects hereinbefore enumerated by the existing and unincorporated American Committee for Armenian and Syrian Relief, and such other funds or property as may at any time be given, devised, or bequeathed to them, or to such corporation, for the purposes of the trust; with full power from time to time to adopt a common seal, to appoint officers, whether members of the board of trustees or otherwise, and such employees as may be deemed necessary for carrying on the business of the corporation, and at such salaries or with such remuneration as they may think proper; and full power to adopt by-laws and such rules or regulations as may be necessary to secure the safe and convenient transaction of the business of the corporation.

Sec. 6. That as soon as may be possible after the passage of this act a meeting of the trustees hereinbefore named shall be called by Samuel T. Dutton, Cleveland H. Dodge, Henry Morgenthau, Edwin M. Bulkeley, Alexander J. Hemphill, William R. Millar, George T. Scott, James L. Barton, and Charles V. Vickrey, or any six of them, at the Borough of Manhattan, in the city of New York, by notice served in person or by mail, addressed to each trustee at his place of residence; and the said trustees named herein, or a majority thereof, being assembled, shall organize and proceed to adopt by-laws, to elect officers, and generally to organize the said corporation.

Sec. 7. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I hope the gentleman from Virginia will make some explanation of the bill.

Mr. MONTAGUE. Mr. Speaker, I should be very glad to make an explanation, if it is desired. I do not want to consume the time of the House, for I know this day has been set apart for the consideration of bills on the Private Calendar. If this charity is to be effective, however, the bill must be very speedily passed. Ten days at least must elapse before the bill can become operative after its passage.

Mr. GARRETT of Tennessee. This makes this a corporation of the District of Columbia, does it?

Mr. MONTAGUE. It makes it a national corporation, in my opinion.

Mr. TOWNER. It makes it a corporation of the District of Columbia by the terms of the bill.

Mr. MONTAGUE. Technically, it is a corporation with head offices in the District of Columbia.

Mr. TOWNER. Mr. Speaker, if the gentleman will permit, the important matter is that it should be incorporated by the Congress of the United States. It effects almost the consolidation of existing societies, because of the importunate nature of the relief work. About 4,000,000 of these Syrians and Armenians have been driven from their homes and are refugees only, without clothes and without food, dying every day.

The importunate nature of this is to gather together and unify this relief work. This organization of men embraces leading men who have been interested in this relief work, and is to unify it and place it under one control. That, of course, is the object of the bill. It passed the Senate unanimously the other day, and it has been favorably reported by the committee here.

Mr. GARRETT of Tennessee. Now, there is some language in section 2—

Mr. MONTAGUE. I would say to the gentleman, supplementing what the gentleman from Iowa has said, that the temper and mind of the peoples in the Near East with whom this fund will

have to be distributed is such that unless you have some governmental impress upon the organization itself its object can not be effectively secured. It is proposed to raise a very large sum by voluntary contributions, to be administered by this corporation for the relief of the distressed people of Armenia, of Syria, and the other sections of the country formerly under the Ottoman domination. I may say that perhaps no distress and suffering ever equaled the distress and suffering that this bill attempts to meet, and the immediate necessity alone justifies me in asking its present consideration by the House.

Mr. GARRETT of Tennessee. I desire to call my friend's attention to the language in section 2, in which there is enumerated the object or objects, "and to conduct any industrial enterprises," that is in lines 18 and 19.

Mr. MONTAGUE. If the gentleman will read the residue of the sentence, he will see it says, "and to conduct any industrial enterprises or operations of a philanthropic character." That is, the operations of the industrial enterprise must be of a philanthropic character. There may be technical and mechanical training schools, for example.

Mr. GARRETT of Tennessee. The gentleman says there may be technical schools there. May I ask where?

Mr. MONTAGUE. In Armenia or Syria, Asia Minor.

Mr. GARRETT of Tennessee. It is not expected they will operate in this country?

Mr. MONTAGUE. Not at all. The entire administration of this philanthropy is to be in what is generally called the Near East; that is, in Syria, Asia Minor, and contiguous country.

Mr. GARRETT of Tennessee. Now, may I ask my friend from Virginia just why it is necessary to have a special act? Why can not this be incorporated under the general laws of the District of Columbia?

Mr. MONTAGUE. For the reason suggested by the gentleman from Iowa awhile ago; that is, unless the people in the Near East believe that the Federal Government in some way has given its impress to this philanthropic undertaking it will not meet with the success that is desired.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask the gentleman if this bill or a similar bill is now pending before the Committee on the Judiciary?

Mr. MONTAGUE. This bill was presented by me some months since, and the next day, upon looking at the calendar, I found the bill had been referred to the Committee on the District of Columbia. I thought it should have been referred to the Committee on the Judiciary, in my ignorance. The Committee on the District of Columbia, however, reported it out unanimously, so I was informed by Mr. JOHNSON of Kentucky, the chairman of the committee. In the past few days a similar bill has passed the Senate unanimously, being reported by the Judiciary Committee of the Senate. That bill came to this body and was referred to the Committee on the Judiciary. Therefore I made the request a few moments since for unanimous consent that the Committee on the Judiciary should be discharged from the further consideration of the Senate bill, and that that bill should be taken up and considered in lieu of the House bill heretofore reported by the Committee on the District of Columbia. That is the parliamentary status, as I understand it.

Mr. SLAYDEN. Will the gentleman yield for a question, just for a moment?

Mr. MONTAGUE. I will.

Mr. SLAYDEN. Is this money to be collected by this proposed organization to be handled in the same way as that of the Armenian Relief Committee, who heretofore handled contributions sent to them without overhead charges or expense for transmission, and so forth?

Mr. MONTAGUE. I am very glad the gentleman has asked that question, and I would like to have the attention of the gentleman from Tennessee and the other Members of the House, because it is an important inquiry. Millions of dollars have been solicited and much already sent to these suffering people and not one cent of overhead charge has been incurred in connection with the distribution or the administration of that fund, and the hope of the incorporators is to do the work without any overhead charge. It is a piece of clean charity from beginning to end. It is simply asked that the organization may have the imprimatur of the Government itself to facilitate its banking operations or its contact with the Governments of that country to give the organization a standing greater than a mere voluntary or a private organization could obtain.

Mr. LONDON. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. LONDON. Does the expression "Near East" have a definite legal meaning?



Mr. MONTAGUE. I think not. I think it has a historic meaning which is better understood by the gentleman than by myself.

Mr. LONDON. Would it not be better to define it in the law?

Mr. MONTAGUE. It says the "Near East and adjacent areas" and specifically contemplates Syria and Armenia, does it not? I think that is ample geographically and governmentally. The trouble is if this bill is amended now it will have to go back to the Senate, and what we desire to do is to get immediate relief to these poor, starving people.

Mr. LONDON. Does the gentleman believe the slightest amendment would defeat the bill now?

Mr. MONTAGUE. I do not think it would defeat the bill, but it would delay the bill, because it would have to go back to the Senate.

Mr. LONDON. Of course, the expression "Near East" has a definite historical meaning and is used in historical works. The question is whether the courts will take judicial notice of the meaning of that expression.

Mr. MONTAGUE. Well, I do not know what the courts would hold. I will say to the gentleman that I think the term "Near East," if I am not mistaken, has, as the gentleman says, a definite historical meaning, and it was put in this bill by the suggestion of those who have given very largely to this charity, and I have no doubt they had quite a satisfactory idea of what is meant by the terms "Near East" and "adjacent areas."

Mr. EMERSON. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. EMERSON. How were these names suggested?

Mr. MONTAGUE. These names were suggested originally by this very committee, or some gentleman of this committee, as I understand. It was a voluntary committee, and perhaps enlarged by these names contained in the bill.

Mr. EMERSON. All the interests have been consulted in connection with this?

Mr. MONTAGUE. I understand from my correspondence with the secretary that this bill is the unanimous wish of all of these incorporators—very eminent incorporators, as the gentleman will observe.

Mr. ALMON. Mr. Speaker, reserving the right to object, I will say to the gentleman from Virginia that this day was set aside especially for the Private Calendar, and with the understanding that he would let this bill go over if discussion arose and it was found that time would be required to pass it. I think if it requires discussion and time he ought to let it go over until the Private Calendar is disposed of.

Mr. MONTAGUE. I assure the gentleman that I am not desirous of discussion.

Mr. ALMON. With the understanding that you will let it go over if time is required—

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, this bill, as I understand, was introduced by the gentleman from Virginia in the House on the 1st of July, 1918. It was referred, possibly inadvertently, to the Committee on the District of Columbia, the only connection which one can see being the fact that it is supposed to be incorporated in the District of Columbia. The real object of such a bill as this is to obtain what they call the "prestige" of having the United States of America back it as an incorporation. The bill has never had any action in the Committee on the Judiciary of the House of Representatives, notwithstanding that it is now there. The Senate bill is sought to be substituted, without consideration or amendment, and the Senate bill is now, so I am informed as to the parliamentary status, in the Committee on the Judiciary of the House of Representatives.

It seems to me there may be a number of things in this bill in the matter of the perfection of the details, as suggested in this debate, in the matter of seeing to whom this relief does go, in the matter of consideration of the great scope of section 2, which provides for the conduct of industrial enterprises and of operations of a philanthropic character, and proceedings necessary to promote the economic welfare, and such things of that kind—and I assuredly have no objection to the accomplishment of these very worthy objects—but I have an objection to the incorporation without consideration of bodies of men calling themselves different associations, seeking to become incorporated in the District of Columbia for a national purpose, and it certainly is most unwise to make an incorporation even of this admittedly excellent character unless it can be passed upon by the proper committee, unless certain amendments or suggestions can be considered after hearings, unless the membership of the House can be advised rightly, because it is not a

right thing to incorporate and to give the great benefit of national incorporation to any society unless we know the exact meaning of what is sought to be accomplished and see whether these meanings coincide with our power to afford national incorporation. It seems to me we ought not peremptorily set aside action and discharge a committee which has never had opportunity to give consideration to a bill and take up a Senate bill that we know little of. This proposed relief has been and can be afforded without this bill. And under the circumstances, therefore, Mr. Speaker, I am constrained to object until the proper committee has opportunity to consider it.

The SPEAKER. The gentleman objects, and the gentleman from Mississippi is recognized.

#### PRIVATE CALENDAR.

Mr. KITCHIN. Mr. Speaker, I believe it is understood that we call the bills as they appear on the Private Calendar.

Mr. MANN. You have to move to go into the Committee of the Whole.

Mr. KITCHIN. I was going to make a unanimous-consent request. I ask unanimous consent that all bills on the Private Calendar be considered in the House as in the Committee of the Whole.

Mr. MANN. Oh, no. I will say to the gentleman that that is wholly impracticable.

The SPEAKER. The gentleman from Illinois objects.

Mr. KITCHIN. I thought we could save time.

Mr. MANN. The bills are called only by unanimous consent.

The SPEAKER. The gentleman from Illinois objects.

#### EXTENSION OF REMARKS.

Mr. ALMON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the Post Office appropriation bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to revise and extend his remarks in the RECORD on the Post Office appropriation bill. Without objection, it is so ordered.

There was no objection.

#### PRIVATE CALENDAR.

Mr. KITCHIN. Then we will have to make a motion on each bill.

Mr. MANN. Oh, no.

The SPEAKER. The only motion to make is to go into the Committee of the Whole.

Mr. KITCHIN. I move, Mr. Speaker, that we go into the Committee of the Whole House on the state of the Union to consider bills on the Private Calendar.

The SPEAKER. The gentleman from South Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar, with Mr. GARD in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the purpose of consideration of bills on the Private Calendar. The Clerk will report the first bill.

#### STEAMSHIP "CALDERA."

The first bill in order on the Private Calendar was the bill (H. R. 4988) to authorize the changing of the name of the steamship *Caldera*.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice and take its position at the foot of the calendar. The reason for my making that request, I believe, though I have not had time to confirm it, is that there is a Senate bill of identical character that was passed some months ago. Otherwise I would move to lay the bill on the table.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin that this bill be passed without prejudice and go to the foot of the calendar?

Mr. FOSTER. Mr. Chairman, why not let it take its place? It is not being objected to. Why not leave it where it is and pass it over temporarily?

Mr. STAFFORD. I have no objection to that, Mr. Chairman. If there is any member of the Committee on the Merchant Marine and Fisheries in the Chamber, I would be glad if he would give us information on this bill. I believe that a Senate bill of identical character was passed in the summer session. Mr. Chairman, I ask that the bill be passed over without prejudice.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin by unanimous consent that this bill be passed over without prejudice?

There was no objection.

The CHAIRMAN. The Clerk will report the next bill.

DAVID L. BRAINARD.

The next business in order on the Private Calendar was the bill (S. 979) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The title of the bill was read.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. STAFFORD. Mr. Chairman, we are not considering bills under reservation of objection. We are considering all the bills on the Calendar in their order. This bill is on the Calendar, and has been called, and is entitled to consideration. I rise to ask recognition from the Chair.

Mr. KITCHIN. The gentleman from California [Mr. KAHN], who is familiar with this bill, is here.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks recognition of the Chair?

Mr. STAFFORD. Yes.

The CHAIRMAN. The Chair recognizes the gentleman.

Mr. STAFFORD. I was under the impression, Mr. Chairman—and that impression is confirmed by the gentleman from California [Mr. KAHN]—that the purpose of this bill was incorporated in the Army appropriation bill. I therefore move that the bill be reported back to the House with the recommendation that it lie upon the table.

The CHAIRMAN. The gentleman from Wisconsin moves that this bill (S. 979) be reported back to the House with the recommendation that it lie on the table. The question is on agreeing to that motion.

The motion was agreed to.

STEAMSHIP "CALDERA."

Mr. STAFFORD. Mr. Chairman, my attention has been called, since the first bill was brought up for consideration, to the calendar, which shows that Senate bill 2469, now public law 118, authorizing the change of the name of the steamship *Caldera*, has passed both bodies and is now a law. I now ask that the House bill 4988 be called up formally so that I may make a motion to have it reported back to the House with the recommendation that it lie on the table.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to call up the bill H. R. 4988. Is there objection? There was no objection.

Mr. STAFFORD. I move, Mr. Chairman, that the bill H. R. 4988 be laid aside with the recommendation that it lie on the table.

The CHAIRMAN. The gentleman from Wisconsin moves that the bill (H. R. 4988) to authorize the changing of the name of the steamship *Caldera* be laid aside with the recommendation that it lie on the table. The question is on agreeing to the motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

MARY NEAF.

The next business in order on the Private Calendar was the bill (H. R. 7715) for the relief of Mary Neaf.

The title of the bill was read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That Mary Neaf, mother of Richard Neaf, who served under the name of John Ryan as a private in the One hundred and sixty-seventh Company, Coast Artillery Corps, shall be considered as the duly designated beneficiary of the late Richard Neaf, alias John Ryan, under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

Mr. STAFFORD. Mr. Chairman, I move, if some member of the committee does not wish so to move, that this bill be laid aside with a favorable recommendation that it do pass. I beg the pardon of the gentleman from Missouri [Mr. IOGE]. The gentleman can make the motion.

Mr. IOGE. Never mind. Go ahead.

The CHAIRMAN. The gentleman from Wisconsin moves that the bill (H. R. 7715) for the relief of Mary Neaf be laid aside with the recommendation that it do pass. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill on the Private Calendar.

CLAIMS AGAINST THE CHOCTAW AND CHICKASAW NATIONS.

The next business in order on the Private Calendar was the bill (H. R. 329) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The title of the bill was read.

Mr. HASTINGS. Mr. Chairman, the bill just read by title was incorporated as an amendment to the Indian appropriation bill last year. For that reason I move that the bill be reported back to the House with the recommendation that it lie on the table.

The CHAIRMAN. The gentleman from Oklahoma moves that the bill H. R. 329 be reported back to the House with the recommendation that it lie on the table. The question is on agreeing to that motion.

The motion was agreed to.

HARRIET FISHER.

The next business in order on the Private Calendar was the bill (H. R. 855) for the relief of Harriet Fisher.

The title of the bill was read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Harriet Fisher, of St. Louis, Mo., for the southeast quarter of the southwest quarter of section 28, in township 17 south, range 7 west, of the fifth principal meridian in Arkansas: *Provided*, That she shall file application for the land and pay therefor at the rate of \$1.25 per acre within six months after the approval of this act.

Mr. TILLMAN. Mr. Chairman, I assume that there will be no opposition to the passage of this measure.

In 1861 a certain military land warrant was issued and it was sought to be located on a particular 40 acres of land in the State of Arkansas, and described in the bill. A mistake was made in the location of the land and the location was canceled. Later another effort was made to locate this particular land warrant, which was located on different land from the tract in question. For the past 50 years this tract of 40 acres has been occupied and thought to be owned by different individuals. Finally this St. Louis woman, Mrs. Harriet Fisher, acquired the land through purchase in good faith for a valuable consideration. It developed that the tract had never been patented. During all these years the taxes assessed against the property have been paid. The title was thought to be good, and now this party simply asks the privilege of entering it at the prevailing price of \$1.25 an acre.

I move, Mr. Chairman, that the bill be reported back to the House with the recommendation that it be passed.

The CHAIRMAN. The gentleman from Arkansas moves that the bill H. R. 855 be reported back to the House with the recommendation that it be passed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill on the Private Calendar.

ALEXANDER F. M'COLLAM.

The next business on the Private Calendar was the bill (H. R. 1423) for the relief of Alexander F. McCollam.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to Alexander F. McCollam, of Yankee Jims, Placer County, Cal., for the lands described in homestead entry No. 07349, Sacramento series, being homestead-entry survey No. 147, in section 28, township 14 north, range 10 east, Mount Diablo Meridian, in Sacramento land district, in Placer County, Cal., and containing 1.35 acres, according to official plat of homestead-entry survey No. 147, in the Tahoe National Forest made July 19, 1915.

Mr. RAKER. Mr. Chairman, this bill passed the House and went to the Senate during the last days of the last Congress, and like many other bills did not get through the Senate. The committee has again unanimously reported it to the House, and I move it be reported to the House with a favorable recommendation.

Mr. MANN. Mr. Chairman, I know from observation in the past that the gentleman from California can make himself heard, but we could not hear what he said at this time.

The CHAIRMAN. Does the gentleman ask that the gentleman from California repeat his statement?

Mr. MANN. I could not ask that he repeat it, but I ask the gentleman to explain the bill so that we may know something about it.

Mr. RAKER. Mr. Chairman, I would be pleased to make a statement. The purpose of the bill is to have a patent issued to the present owner, Alexander F. McCollam, so far as the records are concerned of the probate court in Placer County. Originally Henry Eckhoff made application for a homestead. It was land segregated in a forest reserve set apart for town purposes. People were allowed to make homestead entries on the land. Eckhoff made a homestead entry, inclosed it, and thereafter died before patent could issue. The probate proceedings were taken in the court of Placer County before Judge Prewett, the necessary proceedings were had at the sale, and McCollam purchased the property and a deed was issued to him.



Mr. STAFFORD. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. STAFFORD. Under the regulations of the Land Office it is necessary for the purchaser at an administration sale of the rights of the deceased intestate to public lands to also prove that he himself is qualified as an entryman and entitled to a patent?

Mr. RAKER. It might be if it was an ordinary homestead of 100 or 320 acres; but this is a small tract of a forest reserve that these people were allowed to homestead. The gentleman will notice that this only comprises 1.16 acres of land—a town lot.

Mr. STAFFORD. The gentleman has not answered my question. The gentleman is on the Public Land Committee, and, I suppose, is well acquainted with the laws as to the rights of purchasers of the claims of deceased homesteaders.

Mr. RAKER. If a man makes a purchase at a valid sale he does not have to prove his qualifications as a homestead claimant, if all the proceedings are under the land laws. But in this particular instance, being a town lot, fenced, and a nice little home on the place, they do not require the purchaser to show his qualifications as a homestead claimant. In other words, the ordinary course would be to make final proof and get a patent for the heirs. There were no heirs. The effort was made, and the court allowed the proceedings to go through the probate court, and McCollam purchased at an administrative sale, paid his money, and then his only course by which he could obtain the title to the land was to make a proper showing to the Land Office, which he has done, and they recommended that the patent be issued for this small tract of land.

Mr. STAFFORD. I do not believe the department has gone quite as far as the gentleman says in recommending that a patent be issued to the purchaser of the rights of the deceased claimant.

Mr. RAKER. They have said that they would make no objections.

Mr. STAFFORD. I am a little in doubt as to whether the purchaser would not have to qualify to show that he was a qualified entryman in order to entitle him to a patent.

Mr. RAKER. No; if he applied to the Land Office and got a patent issued to him directly, not as an heir of the original applicant, he might have to do it; but there are no provisions in the law whereby you can sell the rights of a homestead claimant at an administrative sale and get a patent, and therefore it requires this kind of legislation.

Mr. NORTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. NORTON. As a matter of fact, the estate of this man Eckhoff had no interest in this land whatever under existing law.

Mr. RAKER. Except as a homestead claimant.

Mr. NORTON. That is no interest at all. You are trying to have enacted law which would give McCollam this land, whereas under any claim of right that he makes as having a right from Eckhoff does not exist. The gentleman is asking Congress to give him pure new legislation, to give him this land and put it under the guise that Eckhoff at one time had a claim on the land. That is it in substance.

Mr. RAKER. I beg the gentleman's pardon, there is no assumption about it. The probate court assumed jurisdiction and wound up the estate. Administration was completely had and the court authorized the sale by giving public notice, which was given. They authorized the sale of 1.16 acres, and at the executive sale Mr. McCollam bought and paid the money and got his deed. Eckhoff had no heirs that they have been able to find. Mr. McCollam has paid the money and the Department of Agriculture has received it, and the Secretary of the Interior says that this is the only method by which a man can obtain title to what he has bought and paid for. We have taken this method to do it.

Mr. NORTON. You would have exactly a similar case if a man had last year taken up 640 acres in North Dakota, settled on it, and a few days after settling had died, and I had gone out there, had his estate probated, and had included in the estate the 640 acres and made a purchase of it, when under the law I knew that that land would not descend to his estate at all.

Mr. RAKER. Oh, yes.

Mr. NORTON. And the administration of the estate, including that land, was a mere fiction.

Mr. RAKER. Oh, I beg the gentleman's pardon. Under any homestead filing properly complied with the widow, if any, and the minor children, if any, or the representatives, may make final proof on the homestead and get a patent. I have seen it done many times.

Mr. NORTON. So have I; but in this case there is no widow and no children.

Mr. RAKER. In this case it is only a town-lot site set aside in a forest reserve as part of the town, where the man had been living on it, and they called them homesteads, and the man got his filing for this 1.16 acres, built a nice home, and then died, and the probate court administered upon it, and McCollam purchased it at the sale. This is the only method by which he can get the title.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. HAMILTON of Michigan. Assuming the probate proceedings were entirely regular, did not McCollam take only such title as Eckhoff actually possessed, and he possibly bought the property in at the administrators' sale at a price somewhat below what the property would be worth if the title was known to be absolutely settled?

Mr. RAKER. No; I think not. I understood from what I gathered, which is not in the record, that it was offered at public sale, and he paid a fair price. Just what amount he paid I do not remember.

Mr. HAMILTON of Michigan. Of course, he bought the property with his eyes wide open, knowing what he was getting.

Mr. RAKER. Oh, surely; but the judge who administered upon the case is one of the ablest men in California, and ordinarily people have great confidence in a proceeding before a judge of that kind. The judge assumed jurisdiction and completed the administration. Here is a little home, and the man assumed that he would eventually get the title. He finds now that the strict legal title is in the Government. The equitable title to the fence and in the house was in McCollam, beyond question. He asks Congress to allow the Secretary of the Interior to issue him a patent for this land, and the Department of the Interior as well as the Department of Agriculture accede to that; they think it ought to be done.

Mr. HAMILTON of Michigan. Of course, the gentleman understands that I am not questioning the legal ability of the court.

Mr. RAKER. I appreciate the importance of the gentleman's question.

Mr. NORTON. The gentleman states that Eckhoff built a nice home on this land.

Mr. RAKER. He did.

Mr. NORTON. And lived there—settled there.

Mr. RAKER. He did.

Mr. NORTON. He resided there for some time?

Mr. RAKER. He resided there for some time and then died.

Mr. NORTON. How much was this home worth?

Mr. RAKER. I do not remember now just what it is worth.

Mr. NORTON. I notice that McCollam paid \$75 for it.

Mr. RAKER. Yes.

Mr. NORTON. It must have been a very fine home.

Mr. RAKER. I have seen many homes on this land we are trying to legislate about, for homesteaders, for \$50 or \$75.

Mr. NORTON. What is the land worth per acre?

Mr. RAKER. At this particular place?

Mr. NORTON. Yes.

Mr. RAKER. Oh, it is a little town in the mountains.

Mr. NORTON. As a matter of fact, of course, under the law I know, and I think the gentleman knows—

Mr. RAKER. I said that the strict legal title is in the Government.

Mr. NORTON. It is just passing legislation here to give him a piece of Government land which he can acquire in another way.

Mr. RAKER. No, he can not.

Mr. NORTON. Can he not make entry on this land now?

Mr. RAKER. No.

Mr. NORTON. Why not?

Mr. RAKER. It would not be practical to use his homestead rights on an acre of town lots that he thought he was getting title to. It is too small to take the time of the House.

Mr. NORTON. Another way in which he would acquire it, instead of coming here to Congress and taking the time of Congress and incurring an expense of several hundred dollars on the part of Congress, would be to buy scrip and scrip it.

Mr. RAKER. No; that kind of land is not subject to scrip.

Mr. NORTON. Santa Fe scrip.

Mr. RAKER. No; you can not scrip on an acre and sixteen one-hundredths of an acre.

Mr. NORTON. I do not want to dispute the gentleman, but I do not know of any land that can not be scripped.

Mr. RAKER. There have been too many thousands of acres scripped in my district, taken from the Santa Fe, and you can not do it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. STAFFORD. I was rather surprised at the gentleman's statement of the law that it was not necessary for the purchaser to qualify himself as an entryman in order to entitle him to succeed to the rights of the deceased intestate. I direct the gentleman's attention to the language of the Secretary of the Interior on that subject on page 4 of the report. That is the reason that I inquired as to the law and regulations governing that phase of the subject. In the last paragraph but one from the end the Secretary writes:

No evidence has been submitted tending to show whether or not Alexander F. McCollam possesses the requisite homestead qualifications necessary to the entry by him of public lands under the homestead laws.

I take it from that statement that the department would decline to recognize any person as purchaser of the rights of a homestead entryman unless he could qualify as a homestead entryman.

Mr. RAKER. Not in a case of this kind. I feel quite sure of the point because of the peculiar status of those town-site lots. It is divided up in blocks or lots, and these people were permitted to take these pieces each one was living on and call it his home, and in a way they called it a homestead.

Mr. STAFFORD. They had to qualify to take those pieces of land under the homestead law?

I do not believe the intent of the homestead law would cover that case. Unquestionably, in my mind, from reading the Secretary's letter, it does technically require that a person must be a qualified entryman.

Mr. RAKER. Ordinarily I think there is no doubt about that. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

DAVID E. GRAY.

The next business in order on the Private Calendar was the bill (H. R. 1607) for the relief of David E. Gray.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of David E. Gray, postmaster at Greeley, Colo., in the sum of \$10,088.09, due to the United States on account of postage stamps and other stamped paper on account of losses resulting from burglary of said post office on July 1, 1911.

Mr. TIMBERLAKE. Mr. Chairman, unless some explanation is asked of this bill I would like to move that it be reported back to the House with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, the bill carries the very large amount of \$10,000, and I think the gentleman should make some explanation of the merits of this bill before moving its adoption.

Mr. TIMBERLAKE. I will be very glad to do so. This is the case of a post-office burglary. The post office at Greeley, Colo., in 1911, was robbed of stamps and post-office receipts to the amount of \$10,088.09. The report accompanying this bill is a very complete showing that full investigation of the robbery was made by the representatives of the Post Office Department in Colorado, to which investigation the postmaster himself gave every aid possible and spent quite a large sum of money in order to apprehend the thief and recover the stolen property, however without avail. The fact that it exceeds the amount of \$10,000 is the only thing that prevented prompt settlement by the Post Office Department, the law requiring that when the amount exceeds \$10,000 that the Post Office Department must be authorized by a special act of Congress to relieve the indebtedness, and that is the purpose of this bill, which has the full indorsement of the Postmaster General.

Mr. MANN. Will the gentleman yield for a question?

Mr. TIMBERLAKE. Yes; I shall be glad to do so.

Mr. MANN. Has this bill been before previous Congresses?

Mr. TIMBERLAKE. That is a question that I am unable to answer. It only was brought to my attention in the fore part of 1916. At the time I introduced the bill, I think—

Mr. STAFFORD. I know that the gentleman is very familiar with it, but the report does not disclose that it has ever been submitted to the House or the Senate for action.

Mr. TIMBERLAKE. I think that is true if I remember correctly.

Mr. STAFFORD. And the letter of the Postmaster General on this subject is as late as January 22 of this year.

Mr. MANN. It seems to me remarkable that where the Post Office investigators promptly made an investigation and promptly reported that the postmaster should be relieved from the liability no claim has been made to Congress between 1911 and 1917. I did not recall the bill in a former Congress, and that is the reason I asked the gentleman.

Mr. TIMBERLAKE. The report does not disclose that, and I have no personal information with reference to it. I know a considerable sum was spent by the postmaster himself in conjunction with the representatives of the department in an endeavor to run down the thief. They had several clues presented to them, and considerable time was used in such investigation before remedy was asked from the department.

Mr. BLANTON. Will the gentleman yield?

Mr. TIMBERLAKE. I shall be very glad to do so.

Mr. BLANTON. Did the committee before whom this bill was pending hear evidence of the justice of the claim?

Mr. TIMBERLAKE. The member of the Post Office Committee [Mr. STEENERSON] who made the report on the bill will answer that question.

Mr. BLANTON. I would just like to know whether or not favorable report on this bill was made solely upon the letter of the Postmaster General or did they hear evidence?

Mr. STEENERSON. We heard the representative of the Post Office Department and the committee was unanimous in recommending it.

Mr. BLANTON. I wanted to know if the evidence showed that the requirements under section 361 of the postal regulations were carried out by the Postmaster, that the funds were securely locked up as required by that regulation?

Mr. STEENERSON. Yes; the evidence showed that they were locked in a safe furnished by the United States Government, and it was not the postmaster's property.

Mr. BLANTON. That the postmaster was in no way negligent?

Mr. STEENERSON. No; the burglar entered by taking out a pane of glass in the rear and reaching around and opened the lock of the door. This safe formerly was in use by the United States Government at Colorado Springs, and the post-office inspector had this safe moved to Greeley, and it was furnished to the postmaster by the United States Government and locked, and they knocked off—what is it?

Mr. TIMBERLAKE. The combination of the safe.

Mr. STEENERSON. The knob you turn.

Mr. BLANTON. I would like to know whether if the full amount of the loss, as evidenced by this claim, was definitely proven by evidence of probative force?

Mr. STEENERSON. It was absolutely proven and the only reason why the Post Office Department did not pay it at once was because it exceeded by \$85 the maximum the department can pay in such cases under the statute of 1888.

Mr. BLANTON. I would like to state to the committee the reason I am asking these questions is there are a number of claims coming from various postmasters all over the country for alleged loss of stamps and funds, and so forth, against which I expect to lodge objection, and I did not want a precedent to be established in this particular case by letting this bill go through unless all of these matters had been met—

Mr. STEENERSON. That is very true.

Mr. BLANTON. I want to call the attention of the committee to the fact that during the past fiscal year there were 664 claims made in the Post Office Department by 664 different postmasters, aggregating \$98,966.40, which were allowed by the Postmaster General and paid, not claims made and disallowed but claims made and allowed by the Postmaster General.

Mr. STEENERSON. Because they were less than \$10,000.

Mr. BLANTON. Because the Postmaster General could not say that they had not met the requirements of the law or had been negligent. Now, if there were this number of claims allowed by the Postmaster General, the committee can readily understand how many other claims were made and were turned down. So you can see it is a momentous question, after all, that is under consideration. And I want to see these claims especially proven before the committee by competent evidence of probative force, and not merely take it for granted that the loss occurred and the postmasters suffered the various losses claimed.

Mr. STEENERSON. There is no question in this claim.

Mr. BLANTON. No question as to the loss or want of negligence on the part of the postmaster?

Mr. STEENERSON. The claim would have been paid by the department if they had had jurisdiction, but unfortunately it exceeded their jurisdiction by \$88. It is recommended by the department and urged by them.

Mr. TIMBERLAKE. Mr. Chairman, I move that the bill H. R. 1607 be referred to the House with a recommendation that it pass.

The CHAIRMAN. The gentleman from Colorado [Mr. TIMBERLAKE] moves that the bill be referred to the House with the recommendation that it pass.



Mr. BLANTON. Mr. Speaker, just one moment. I would like to ask the gentleman why this particular claim was not referred to the Committee on Claims for attention? It occurs to me that it is a claim that should properly have gone to the Committee on Claims.

Mr. TIMBERLAKE. In reply to the question of the gentleman from Texas, permit me to say that I was quite new in my service here at the time I presented this bill, and I took advice from older parties, and that was that, with the recommendation and reports that were made by the Post Office Department, the Committee on the Post Office and Post Roads would be the proper place to refer the bill.

Mr. BLANTON. May I ask whether the Committee on the Post Office and Post Roads usually investigate claims of this character? Are they in the habit of investigating claims of this character?

Mr. STEENERSON. We have in some cases. In some cases, if they are less than \$10,000, we do not want anything to do with them. That is a claim the department has control of. In a claim of this kind the statute itself requires it to be reported to the Speaker of the House for adjustment.

Mr. BLANTON. I might add that the Committee on Claims has lately investigated carefully a case involving over a million dollars. So, I take it—

Mr. STEENERSON. I know that the committee did not ask for any bill. I would like to get rid of it, but as long as it was before us without objection we did our best to report it. The chairman of the committee is here.

Mr. MOON. Mr. Chairman, I want to say that it is very clear under the rules that not only the Committee on the Post Office and Post Roads but the Committee on Claims may take jurisdiction of claims of this character. It has been the habit of the Committee on the Post Office and Post Roads frequently to take care of these cases, and where many of these claims have come to us we have voluntarily relinquished our jurisdiction and sent them to the Committee on Claims for adjudication. There is no question of the right of the Post Office Committee to determine these matters.

The CHAIRMAN. The gentleman from Colorado moves that the bill H. R. 1607 be reported back to the House with the recommendation that it be passed.

The motion was agreed to.

WILLIAM M. WILSON.

The next business in order on the Private Calendar was the bill (H. R. 2635) to authorize the issue of a patent to certain land in Alabama to William M. Wilson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby directed to issue a patent to William M. Wilson, of Chilton County, Ala., for the southeast quarter of the southeast quarter of fractional section 32, and the southwest quarter of the southwest quarter of fractional section 33, township 21 north, range 17 east, St. Stephens meridian, in the State of Alabama, reserving to the United States the right to overflow all or any part of said land in the construction and maintenance of work for the improvement of navigation in the Coosa River, without compensation to the said Wilson, his heirs or assigns, for any damages they may sustain by reason of such overflow.

Mr. FOSTER. Mr. Chairman, this is a bill in reference to land, as I understand, down in Alabama. I notice in the report it says something about the use of this land for Government work in that vicinity, as I have it marked here. I would like to ask if this land is to be used in Government work down there in the completing of a dam, or whatever it may be, for the improvement of navigation.

Mr. WALTON. I am unable to personally answer that question. This is a bill of the gentleman from Alabama [Mr. BLACKMON], and I understand he is ill. I was directed by the Committee on Public Lands to make a favorable report. As I understand, this land was withdrawn in 1908, on the Coosa River, it being the intention to determine just what portion was necessary for the river's improvement. In 1912 Mr. Wilson through inadvertence was allowed to make a homestead entry, which he perfected, but on account of a prior withdrawal patent could not be granted. I do not know anything about the project.

Mr. FOSTER. The letter of a Secretary of the Interior says: The tracts involved, with other unappropriated lands bordering on the Coosa River and the islands therein, were in the year 1908 withdrawn from all forms of disposal for use in connection with the improvement of said river until it should have been determined what portions were actually needed for the work.

Now, this man went on there. I think he is entitled to some relief. But we have in some of these cases allowed a money consideration for damages in going on the land, and I wondered if this land was really land that was to be used in Government work down there. I notice it says that the Government shall not be held responsible for any damage done to this land by

overflow, but the question is whether it was in proximity to this work, where this land was necessary, and it probably ought to be retained, and whether the man ought or ought not to be paid, instead of given the land, for whatever damages have come to him as the result of his being permitted to settle on the land. That is the inquiry I wanted to make.

Mr. WALTON. I am not familiar with the facts in detail. Perhaps the gentleman from Alabama [Mr. ALMON] knows something about them.

Mr. ALMON. I understand the only way the land will ever possibly be needed by the Government will be by reason of overflow for building of dams, and the bill provides that Mr. Wilson shall not have any claim against the Government for overflow, and if that is true I do not see that the Government would have any further interest in it.

Mr. ROBBINS. Mr. Speaker, I notice in this report this significant statement of the Secretary of the Interior, namely, that there has been an appeal taken from a decision; that this man appears to have inadvertently gone onto land which was withheld from entry, and it simply says this, quoting from the report:

From said decision an appeal was prosecuted to the department, and the case is now pending here pursuant thereto.

It seems to me there has been no decision on the appeal in the Land Office. If that is true, I do not think we ought to legislate until that appeal is decided.

Mr. FOSTER. Here is some land that was afterwards withdrawn from entry. There comes along a man who is permitted to enter on the land. Of course, the Government does not guarantee a title when men enter upon land, and yet he was permitted to enter on the land and it seems he made all proof to secure this land.

I think when the Government does that it is at least morally under obligation not to permit men to spend their money and get nothing for it. We have passed bills similar to this, I will say to the gentleman from Pennsylvania, and have paid men for the land where it was not feasible to give the land.

Now, the only question in my mind is whether this land is of the kind to be used by the Government in its work down there. I do not believe there is any question but that the man has a claim against the Government. We are assured by the gentleman from Alabama [Mr. ALMON] that that land is not to be used by the Government, so that under the circumstances, as I look at it, this man ought to have this land. He has complied with the law as far as he could. The fact that the land was withdrawn was not known to him.

Mr. ROBBINS. Does the gentleman, who speaks with some knowledge of this bill, know anything about the improvements that have been made upon the land by Mr. Wilson, the alleged settler?

Mr. RAKER. Mr. Chairman, if the gentleman from Illinois will permit, Mr. BLACKMON appeared before the Committee on Public Lands when this bill was under consideration, and my recollection is that he stated there were some improvements on the land such as a homesteader generally places on land, and I recall the further fact that this man in good faith made his filing, and the Land Office permitted him to make the filing, but they denied him the final proof, which they had to do under the law, because the land had been withdrawn. He took his appeal in order to keep his homestead intact. The Secretary of the Interior in the last Congress—the Sixty-fourth Congress—recommended that this bill be passed, and the Secretary again recommends here that the bill be passed. This man had to take the appeal or he would have been down and out entirely. He has taken the appeal solely to protect his rights. With the appeal pending in the Land Office, the Secretary heartily recommends that the bill be adopted, so that the applicant may get title to the land.

I recollect the further fact, as presented by Mr. BLACKMON, that it is a question, even if the Coosa Dam was built, whether it would overflow it.

Mr. ROBBINS. I was going to ask how far is this Government improvement on the Coosa River from this land? It is evidently a backwater proposition that they are trying to protect here. What information has the gentleman on that?

Mr. RAKER. At this time I have no information as to the distance of this land from the dam, but it is on the river where it is expected there may be an overflow. But this protects the Government, and this man would get no compensation for it.

Mr. ROBBINS. On that statement I have no objection.

Mr. WALTON. Mr. Chairman, I move that the bill be reported back to the House with favorable recommendation.

The CHAIRMAN. The gentleman from New Mexico moves that the bill H. R. 2635 be reported back to the House with the

recommendation that it do pass. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill on the Private Calendar.

ALMA HARRIS.

The next business in order on the Private Calendar was the bill (H. R. 4240) for the relief of Alma Harris.

The title of the bill was read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Alma Harris for the southeast quarter section 12, township 29 south, range 7 west, New Mexico principal meridian, in the Las Cruces land district, New Mexico, upon payment of the lawful purchase price of said land, without further proof of compliance with law.

Mr. FOSTER. Mr. Chairman, I understand the only reason why the bill seeks to give this woman the title to the land without further proof of compliance with the law is on account of its being close to the Mexican border.

Mr. WALTON. Yes. This land is located close to the Mexican border.

Mr. FOSTER. And it is unsafe for her to be there?

Mr. WALTON. Yes; and the War Department notified her that it would be unsafe. I move the bill be reported to the House, Mr. Chairman.

The CHAIRMAN. The gentleman from New Mexico moves that the bill H. R. 4240 be reported to the House with favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

THOMAS CAMPBELL.

The next business in order on the Private Calendar was the bill (H. R. 1873) for the relief of Thomas Campbell.

The title of the bill was read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to remove from the records of his department the charge of desertion against Thomas Campbell, formerly of Company K, Ninth Regiment New York Volunteer Infantry, and to issue to him an honorable discharge as of the date of May 20, 1863, when said regiment was mustered out of service.

With a committee amendment, as follows:

At the end of the bill insert the following:

*Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act.*

Mr. CRAGO. Mr. Chairman, the gentleman from New York [Mr. RIORDAN] is absent from the House, as is Mr. CALDWELL, who reported the bill. In their absence I ask that the bill be favorably reported to the House.

Mr. FOSTER. Mr. Chairman, as I understand, this is to give this man an honorable discharge.

Mr. CRAGO. Yes, sir.

Mr. FOSTER. That, to my understanding, has never been done. I recall a few years ago getting a bill unanimously through this House twice and through the Senate twice unanimously, and each time it was vetoed. Does the gentleman suppose that if he gets this bill through for an honorable discharge for this man he will get it signed?

Mr. HARRISON of Virginia. They have a prescribed form.

Mr. FOSTER. I understand so. This is designed, as I understand, to give this man a pensionable status, and there is a prescribed form by which that is done.

Mr. MANN. Not a prescribed form, but a customary form.

Mr. FOSTER. Yes; that is better.

Mr. CRAGO. This is out of the ordinary.

Mr. MANN. If the gentleman from Pennsylvania will yield, I will say that when I came here first this form of a bill was passed and a great many bills of this character became laws. Finally the War Department advised, I think, President Roosevelt first that it was without the power of Congress to change the facts, and President Roosevelt vetoed all of the bills of this character which were sent to him after a certain time. There were not very many sent. When Mr. Taft came in as President a bill of this kind slipped through the House and the Senate, and was, I believe, vetoed by President Taft for the same reason.

The War Department has consistently maintained the position that it would recommend that the President veto any bill which provided that you grant an honorable discharge to a man who had not received an honorable discharge, and that Congress by legislating could not alter facts. The fact remains in the War Department that a man had been dishonorably discharged.

We might say that we change the facts, but the facts would still remain. We adopted then the policy of granting the right of pension to soldiers on the theory that that would admit them to the Grand Army of the Republic if they were granted a pension, because ordinarily a man can not receive a pension unless he has an honorable discharge, and the fact was they got their pension and practically an honorable discharge.

Mr. CRAGO. I think the gentleman is entirely correct as to the proposition, and we have endeavored in our committee to put all the bills in that shape. I think the proper course here would be, since that has not been done with respect to this bill, to change it in accordance with that form.

This man Campbell is a brother of the late Hon. Timothy J. Campbell, who served in the House from New York a number of years ago.

I move, Mr. Chairman, that the bill be amended to read as follows:

That in the administration of any laws conferring the rights, privileges, or benefits upon honorably discharged soldiers, Thomas Campbell, formerly of Company K, Ninth Regiment, New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 20th day of May, 1863, when said regiment was mustered out; *Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act.*

Mr. STAFFORD. Will the gentleman yield before the gentleman makes that motion? Will the gentleman advise the committee as to the policy of the Committee on Military Affairs in favorably reporting bills of this character, where the soldier was obligated to serve a term of three years and then deserts, and his justification is that when he enlisted he enlisted with the understanding that he was only to enlist until his regiment was mustered out?

Mr. CRAGO. I will say that the policy of the Military Committee on these bills has been this: They are all referred to a subcommittee, the subcommittee looks over the records, considers them carefully, and if they are unanimous in their conclusions they so report it to the full committee. The full committee authorizes some one of the subcommittee to make the report. With the thousands of cases before the committee, they steer clear of giving any man a pensionable status who had not served one year. This man was transferred to this battery with the understanding that when the organization went home to New York he would go home with them and be discharged. He served more than a year, and went back to New York with his battery, and he thought he was mustered out.

Mr. STAFFORD. But he enlisted for a term of three years.

Mr. CRAGO. The battery went home and was mustered out, and he thought he was mustered out. He stayed there in his usual avocation, and it is easily understood that where a man's organization was taken home to New York, and he was a member of that organization, it was not a very great stretch of the imagination for him to think that he was mustered out as well as the rest. It was merely a matter of bookkeeping.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out certain language and insert the language that he has stated.

Mr. CRAGO. I will furnish the Clerk with the amendment in writing.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania.

The motion was agreed to.

Mr. CRAGO. I move that the bill as amended be reported to the House with the recommendation that it be passed.

The motion was agreed to.

CHARLES LYNCH.

The next business on the Private Calendar was the bill (H. R. 1954) for the relief of Charles Lynch.

The Clerk read the bill, as follows:

*Be it enacted, That in the administration of any laws conferring the rights, privileges, or benefits upon honorably discharged soldiers, Charles Lynch, who was a private in Company A, Ninth Connecticut Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 16th day of July, 1864: Provided, That no back pay or pension be allowed prior to the passage of this act.*

Mr. FOSTER. Mr. Chairman, I notice this proviso is in a little different form than usual on these bills. This says that "no back pay or pension shall be allowed prior to the passage of this act." Usually it says that "no back pay, bounty, or allowances shall accrue," and so forth.

Mr. TILSON. There was no intention not to have this in the usual form. Mr. Chairman, I move that the proviso be amended so as to read that "no pension, bounty, or allowances shall accrue prior to the passage of the bill."

The CHAIRMAN. The Clerk will report the amendment.



The Clerk read as follows:

Amend the proviso by making it read: "Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act."

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, this bill was passed unanimously by the Sixty-fourth Congress and failed to receive consideration in the Senate. It is back here by unanimous report of the Committee on Military Affairs.

The facts are set out quite fully in the report, and unless there is some question, which I shall be very glad to answer, I move that the bill be laid aside with a favorable recommendation.

Mr. STAFFORD. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. STAFFORD. I would like to know the reason why he was denied an honorable discharge.

Mr. TILSON. Because he was left by his organization. He had been in the service nearly three years. His regiment started to return by boat from New York, having been at home to fill up its ranks by recruiting, and he was to sail with the rest of the regiment, but they went away without him. He had been allowed to go ashore by his lieutenant for the purpose of purchasing some tobacco. When he returned to the dock the ship with all his personal equipment and everything else was gone. Instead of trying to follow up his command or reporting himself to the Provost Marshal, as he should have done, he was improperly advised and enlisted in another regiment 12 days later. In the new regiment he served until August, 1865. He has an honorable discharge by law from the second enlistment, but he has no honorable discharge from the first enlistment, and this precludes him from receiving a pension. I move that the bill be laid aside with a favorable recommendation.

Mr. RAGSDALE. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. RAGSDALE. I thought the House was committed to the policy that where people did not have an honorable discharge in this war they should not be allowed a pension. Why should they be allowed a pension in any other service if not in this war? Is not the service as great in this war as in any other war?

Mr. TILSON. Oh, yes; but this man has an honorable discharge from one service, but has not from the other. He was accidentally left by his organization, and while technically he was a deserter, he was not really a deserter.

Mr. RAGSDALE. And yet by the rule which has been stated on the floor of the House he would not be entitled to a pension.

Mr. TILSON. That is the rule as it has always existed, but under the facts we think he ought to have a pension.

Mr. RAGSDALE. Then we are going to make exceptions to the rule which we affirmed the other day relating to those who are serving in France to-day.

Mr. TILSON. Oh, I suppose we shall make exceptions under all laws where proper cases arise.

Mr. FOSTER. There will probably be soldiers in this war where they make a proper showing, where exceptions will have to be made.

Mr. TILSON. Undoubtedly; it is human to err, and mistakes have been made through all time. Where we find that a real mistake has been made and because of it some soldier who has rendered honorable service has been injured, that mistake ought to be remedied just as far as possible.

Mr. RAGSDALE. The gentleman thinks this is purely a question of mistake and of no intention upon the part of the man?

Mr. TILSON. The committee was entirely convinced that there was no fault on the part of the soldier so far as his being left was concerned, and it is shown that he was very much disturbed on account of being left behind. The boat carried away all of his clothing and equipment, and it appears that the man was very much disconcerted on account of it.

The CHAIRMAN. The question is on the motion of the gentleman that the bill H. R. 1954 be laid aside with a favorable recommendation to be reported to the House with the recommendation that the bill as amended do pass.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

JEREMIAH STOVER.

The next business on the Private Calendar was the bill (H. R. 667) for the relief of Jeremiah Stover.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jeremiah Stover, who was a private of Company B, One hundred and eighty-eighth Pennsylvania Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 16th day of October, 1865.

Mr. CRAGO. Mr. Chairman, unless some explanation is asked to this bill—

Mr. FOSTER. Oh, I think the gentleman should explain it.

Mr. CRAGO. The facts, in brief, are these: This bill went through the same course as all the other bills in the subcommittee and in the full committee. Jeremiah Stover is more than 80 years of age. He lives in Gettysburg. He has a son-in-law, there who is a prominent citizen and an official of one of the railroads. Mr. Stover was a soldier who served more than three years' honorable service. He was doing provost duty at one time and was authorized by the officer having charge of that duty to purchase his own horse. He purchased his own horse, and later, with some of the natives in that locality, he made a trade, and I imagine, like some horse traders that we have all heard of, it was not a satisfactory trade. In any event, after the organization had left that immediate vicinity, this man, who had traded the horse for Stover's own horse, reported to the military authorities that Stover had gone off with a Government-owned animal. The truth of the matter is that if it was a Government-owned animal, it was an animal that was in this other man's possession, and was traded to Stover for Stover's own horse. Stover knew nothing of this for several months after that, until just before they were mustered out. He was then charged with it, and I believe was found guilty of having in his possession an animal owned by the United States Government. He was sentenced to serve some time, but the sentence was commuted, and he was released from arrest. He went home. He is an honorable citizen and has been resting under this unjust charge all of these years. He simply made a trade with one of the natives with a horse that he owned himself or a horse which might have belonged to the United States Government, and the committee thought in view of his more than three years of honorable service for his country this old man at this time ought to be put on the honor roll.

Mr. FOSTER. So the gentleman thinks in this case it was just as in other cases where one man got the better of another in a horse trade.

Mr. CRAGO. That is all there is to it.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. RAGSDALE. In other words, this person to whom it is proposed to give relief was guilty merely of receiving stolen goods.

Mr. CRAGO. That is only according to the man who may have got the worst of it in a horse trade.

Mr. RAGSDALE. That is the fact in the case, is it not?

Mr. CRAGO. That is the allegation.

Mr. RAGSDALE. The charge was that he had stolen a horse.

Mr. CRAGO. Yes.

Mr. RAGSDALE. And the difference is that he merely received stolen goods.

Mr. CRAGO. The difference is that he traded for this horse, which may have belonged to the United States Government.

Mr. RAGSDALE. Is it not a fact that it did?

Mr. CRAGO. I am not sure.

Mr. RAGSDALE. Is not that the record? In other words, he could not have stolen the horse at all; but it did belong to the Government.

Mr. CRAGO. He made a trade of his own animal for this animal.

Mr. RAGSDALE. The relief that the gentleman is asking is from the charge of having stolen a horse, when the fact is that he was found in possession of property that did belong to the Government.

Mr. CRAGO. What appealed to the committee was this: Here is an old man 80 years of age, who has given more than three years of service to his country, and all of these years he has been denied any of the financial benefits—

Mr. RAGSDALE. I am not making any question about that. What I am trying to do is to get at the facts. The facts are that the property was the property of the United States Government.

Mr. CRAGO. That was the finding of the court-martial; yes.

Mr. RAGSDALE. The finding was that he got the property of the United States Government.

Mr. CRAGO. Probably that is true.

Mr. RAGSDALE. And the only thing the gentleman is pleading here is that, instead of having gotten it directly from the Government, he received stolen goods that were the property of the Government, although he gave his horse in return for them.

Mr. CRAGO. What Mr. Stover maintains with all the vigor that any man can maintain is that he knew nothing about the ownership of this animal, except that he thought the man with whom he made the trade owned it.

Mr. RAGSDALE. I am just trying to get the facts. He did receive goods that was stolen from the United States Government.

Mr. CRAGO. That was the finding, I suppose, of the court-martial.

Mr. RAGSDALE. And that you are trying to relieve him of.

Mr. CRAGO. Yes.

Mr. RAGSDALE. And the plea put up is that instead of stealing it he received it.

Mr. CRAGO. Not knowing that it was stolen.

Mr. RAGSDALE. The plea the gentleman is making is that instead of stealing it he simply received stolen goods.

Mr. CRAGO. No; there is nothing of that kind.

Mr. RAGSDALE. Why, the gentleman offers by way of justification that he did not know that the horse was stolen.

Mr. CRAGO. That is exactly correct.

Mr. RAGSDALE. Therefore he was receiving stolen goods, and the plea by way of justification is that he did not know it was stolen.

Mr. CRAGO. The court-martial found that the property he received was stolen.

Mr. RAGSDALE. The court-martial found he was receiving stolen goods.

Mr. CRAGO. He admits that he received this, but he does not admit he knew it was the property of the Government.

Mr. ELSTON. Will the gentleman yield?

Mr. CRAGO. I will.

Mr. ELSTON. We will presume the court-martial gave him a trial, and there were witnesses examined and possibly a judgment was had after a full explanation on his part, so far as he could make it. How does he explain that the court-martial made a wrong judgment in the case on the facts?

Mr. CRAGO. That is sometimes a violent assumption in time of war. It is not always true, and a private soldier, even in time of war, has very little chance of defending himself or presenting his side of the case to the court-martial where they consider him technically guilty.

Mr. ELSTON. Did he give an explanation which satisfied the committee that was true?

Mr. CRAGO. The explanation that he gave to me individually was this: That he had this horse, that the organization was preparing to move, and this man had this other horse in his possession—he was a farmer in the locality—that he made this trade in good faith, believing that this other horse belonged to the man with whom he was trading. He was allowed to have this horse by permission of the provost marshal.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. CRAGO. Yes.

Mr. PARKER of New Jersey. This was a court-martial during time of war. Did the gentleman have any record of the evidence taken by that court-martial?

Mr. CRAGO. We could not get the evidence.

Mr. PARKER of New Jersey. Had the man ever made any application for relief to Congress, or when did he first do it?

Mr. CRAGO. So far as I know—well, I can not give any answer to that.

Mr. PARKER of New Jersey. Did he make the application before the witnesses were dead who were called before the court-martial, or after they had died?

Mr. CRAGO. We had the affidavit of his comrades as to his service and as to the fact that when this was reported to his company there was not a man who was in the company who believed that this man would be guilty of anything of the kind.

Mr. PARKER of New Jersey. That may be all true; but you did not have any opportunity to go over the court-martial, which always ought to stand unless there is some mistake.

Mr. CRAGO. After all these years it was hard to do that.

Mr. PARKER of New Jersey. Then, after all these years we ought not to entertain a bill—

Mr. CRAGO. One of the things which appealed to the committee was that he had rendered three years of valuable service—

Mr. PARKER of New Jersey. A great many people gave valuable service.

Mr. CRAGO. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

Mr. FOSTER. Mr. Chairman, before that is done, let us have the amendment put on.

Mr. STAFFORD. I would like to ask for recognition—

Mr. CRAGO. If the gentleman will notice, this is the exact form prescribed by the department or suggested, and, if the gentleman will notice, it says "shall hereafter be held and considered to have been honorably discharged." Now, the ruling under that is that prior to the passage of this act and its ap-

proval he is not entitled to any benefits of pension or anything of that kind.

Mr. FOSTER. I do not know; the Military Affairs Committee has been bringing in all kinds of bills—some of them with language in them and some without—and we ought to have some uniformity of bill. If we say that no back pay, bounty, or allowance can be paid from the passage of the act—

Mr. CRAGO. It can not be. That is in another form of a bill.

Mr. HARRISON of Virginia. This last form is what the Secretary of War furnished as being the proper form.

Mr. RAGSDALE. Mr. Chairman, it seems to me, if the gentleman will permit the suggestion, this was a finding of a body of fellow soldiers of Mr. Stover.

Mr. CRAGO. Of officers; yes.

Mr. RAGSDALE. Well, they were fellow soldiers. I believe the gentleman himself was an officer of the Spanish-American War?

Mr. CRAGO. Yes.

Mr. RAGSDALE. Well, officers are soldiers.

Mr. CRAGO. I often went before court-martials and got fellows free from charges when, I think, if I had not appeared they would have been held under the charge of dishonorable conduct.

Mr. RAGSDALE. In other words, the gentleman thinks the tendency of the officers appointed by our Government is to discredit soldiers?

Mr. CRAGO. No; not in all cases; but in some cases very little consideration is given the rights of the individual soldier.

Mr. RAGSDALE. The gentleman thinks men who fought 50 years ago had very little consideration given them by the officers who commanded them?

Mr. CRAGO. That may have been true in certain cases but not in all cases.

Mr. RAGSDALE. Now, this man was tried by his fellow soldiers?

Mr. CRAGO. That is what the record shows.

Mr. RAGSDALE. And the record shows he was found guilty of theft.

Mr. CRAGO. That is the record.

Mr. RAGSDALE. And he is here now after fifty-odd years asking for relief.

Mr. CRAGO. That is a mere matter of argument.

Mr. RAGSDALE. No—

Mr. CRAGO. This is the situation this man finds himself in to-day, and he appeals to us as reasonable human beings after 50 or more years have gone by. This man served for more than three years in the defense of his country, rendered good service—we have letters to the War Department from members of the company who served with him, and not a man of that company believed that this man would be guilty of anything of the kind of which he was charged.

Now, admitting that he was found guilty of having received a horse which his own investigation ought to have shown him was Government property; admitting that he did it, he used it in the Government service. That is all that happened to the animal. Now, technically he may have been guilty. Can not we afford to overlook that matter and put this old man, 80 years of age—

Mr. SLAYDEN. On the pension roll?

Mr. CRAGO. On the pension roll. That is exactly correct.

Mr. RAGSDALE. Will the gentleman pardon me?

Mr. CRAGO. Yes, sir.

Mr. RAGSDALE. The record is that he bought a horse and took it for his own service.

Mr. CRAGO. He bought a horse originally by the permission of the provost officer for his own use. He traded that horse for this horse. This man afterwards alleged—

Mr. RAGSDALE. For his own use?

Mr. CRAGO. In the Government service. He was not a cavalryman.

Mr. RAGSDALE. Where does that appear? That was at the time of his discharge.

Mr. CRAGO. Oh, no; it was while he was in the service.

Mr. RAGSDALE. The record does not show that. It states—

Mr. CRAGO. The record shows that Stover obtained permission from the provost marshal to purchase a horse, which he did, and that the man with whom Stover had traded reported he had gone off with a Government horse. The facts of the case are that he was doing duty which made it convenient for him to be mounted, and he bought a horse at his own expense, and, in continuing this duty, he traded that first horse which he bought for this horse which they afterwards alleged was Government property.

Mr. RAGSDALE. That does not appear in here.



Mr. CRAGO. I am telling you the story that I got from his comrades and himself.

Mr. RAGSDALE. According to the records here, he was permitted to buy a horse; he traded it for another horse, and then he took this horse, which belonged to the United States Government, home with him. His comrades in arms, with whom he served, tried him and convicted him of being a thief. He was convicted, having two years' service.

Mr. SLAYDEN. Penal service?

Mr. RAGSDALE. It does not say. It was remitted, and he served until 1865. This transpired fifty-odd years ago. Now, the gentleman from Pennsylvania [Mr. CRAGO], with that same sort of fairness and desire to protect the common soldier that he referred to this morning when he was a comrade in arms in the last war, I am sure, is led to come forward and ask for consideration for this man. But the question is, What is there to show that this man at that time did not know that he was getting United States property that could not have been shown at that time? And if he could not show it to his comrades in arms at that particular time, and as the country he was fighting for at that particular time was being heavily taxed and he was breaching their trust and carrying their property away, and he was tried and convicted at that particular time, not only with being disloyal to the flag but for a breach of trust, why after 50 years should the man come in, a man of that type, and be put on an honorable footing with the men who were loyal?

Mr. CRAGO. He has paid the penalty for 50 years. He has been kept off the honor roll, and kept from being paid a pension, and if that is not penalty for a man who has served three years for his country—and I ask the indulgence of this House agreeing to debate the question of whether or not he should be relieved of the stigma that was passed upon him.

Mr. RAGSDALE. I am willing to debate the question of whether a soldier, wearing the uniform of the United States, who by his own associates in arms was convicted of being a thief, and who stole Government property, should ever enjoy the honorable place that a soldier does who served in the same war and who was never guilty of anything dishonorable.

Mr. CRAGO. A soldier may step aside, as a civilian, and do something that may ruin his record for years and years. I say this, that where these years have passed, and he has borne the stigma all that time, it is not very much of a recompense for the service that man gave to the country at this time for us to come here in his old age and restore him to the honor roll.

Mr. RAGSDALE. I would much prefer to give him money compensation than put him in the same position of the men who deserved the confidence that the Union placed in them and who never betrayed it.

Mr. SLAYDEN. Does the gentleman from Pennsylvania really believe that the records of the War Department—and this does not apply to this particular case, I will say to the gentleman—does the gentleman believe that the records of the War Department should be falsified in the interest of men who deserted?

Mr. CRAGO. We are not changing that feature.

Mr. SLAYDEN. I know you are not, in this particular case. But the gentleman and I have sometimes discussed these so-called charges of desertion, where the records have been made to tell a falsehood and to say that a man was honorably discharged when in point of fact he was dismissed because of the most serious of all military crimes, namely, desertion, and men have been restored purely because they wanted to get a pension and live upon the taxpayers. Here is the case of a man about which I know nothing except that I have heard the facts stated in the discussion by gentlemen here—the case of a soldier who served—

Mr. CRAGO. Yes; he served after the alleged act for which he was tried was committed.

Mr. SLAYDEN. How long did he serve before that?

Mr. CRAGO. About two years.

Mr. SLAYDEN. And then he committed an offense which—

Mr. CRAGO. He denies that he committed an offense. The court found him technically guilty.

Mr. SLAYDEN. Well, they dismissed him for dishonesty, and perhaps because they needed his services they put him back again. Does the gentleman believe that the pension rolls ought to be further padded at the expense of the people by adding the names of men who have been proved guilty, at least, of serious military offenses and personal dishonesty?

Mr. CRAGO. I will say to the gentleman from Texas that of the thousands of cases that have come before our committee we do not favor many of them, but where a case goes to a subcommittee and that subcommittee finds that a man has given one or two or three years' faithful service to the Government, even

admitting that the man did what he is charged with doing, we have taken the position in such cases that such a man ought really to be restored to his rights.

Mr. SLAYDEN. "His rights"? I understood you were proposing it a little while ago on the basis of charity. I do not think he has any "rights."

Mr. CRAGO. I think it is a right. In many cases where courts-martial were justified in acting as they did, in 10 or 15 or 25 years afterwards it is not a very great act of graciousness on the part of the Government in restoring them.

Mr. SLAYDEN. When a man deserts, he forfeits his rights.

Mr. CRAGO. There is no charge of desertion here.

Mr. SLAYDEN. And when a man steals a horse, that is an act of dishonesty.

Mr. CRAGO. With all our facilities for keeping our records, and all our bookkeeping, and the millions of money that we have spent in trying to keep track of affairs in the past year or two, thousands of errors, glaring errors, have been made, not only in the records of the War Department but in orders. I have on my desk a death certificate sent to the parents of a boy who was said to have been killed in France, whereas the boy is in Walter Reed Hospital to-day. I told him he should keep that death certificate as a souvenir. Men are certified by the department as having been killed in action when they are alive and well, and others will be reported as absolutely safe, when they have been killed perhaps 60 or 90 days before; so that these records of the Civil War, like those of the present war, are not perfect records, and every now and then a case occurs where, if the facts were presented to a court-martial, the man concerned would not be declared guilty. I have been out with men who have been away from home for two or three years fighting for their country, and who happened in a moment of forgetfulness to do something that we would not want to see them do, and yet in the main they were good men.

Mr. ELSTON. May I inquire of the gentleman if this man is up in years?

Mr. CRAGO. Yes. He is advanced in years.

Mr. RAGSDALE. Simon F. Smith, who signed the affidavit which is filed by the committee in this case of Jeremiah Stover, was the man himself from whom Jeremiah Stover claimed to get the horse?

Mr. CRAGO. He was the man who received the horse on the Jeremiah Stover trade, but I imagine that he did not receive as good a horse as he thought he was getting, and that is the reason why he reported the case.

Mr. RAGSDALE. But if it was not a fact would he have directed the attention of the Government to the fact that this stolen horse was carried away?

Mr. CRAGO. I am in favor of reporting the bill with the recommendation that it pass.

Mr. RAGSDALE. So that the gentleman's position is that although the court-martial's decision was just, and Jeremiah Stover was a thief and stole this property from the Government, he favors action which would put Jeremiah Stover on the level with those who served under the flag of the Union faithfully, and would put that man on the honor roll at this time along with men who served the flag gallantly and honorably until the Nation had been made one again?

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. PARKER of New Jersey. Does the gentleman know whether or not at that time all Government horses were branded with the letters "U. S."?

Mr. CRAGO. I asked that question of the gentleman, and he said he did not know. I do not know.

Mr. PARKER of New Jersey. I understood they always had the letters "U. S." branded on the Government horses.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. CRAGO. Yes.

Mr. BLANTON. The gentleman speaks of incorrect reports being made by the War Department. There is no such thing usually as an incorrect report made in the finding of a court-martial unless it is set aside, is there? The finding of a court-martial is based upon evidence and not merely on such reports as are made ordinarily?

Mr. CRAGO. The court-martial, of course, is a human agency for administering justice.

Mr. BLANTON. Like a court, it is presumed to carry out the law.

Mr. CRAGO. Many findings of courts-martial are such that we would not make them if you and I were on those courts.

Mr. BLANTON. The Congress does not go behind the findings of courts-martial.

Mr. CRAGO. That is the only relief they have—at the hands of Congress.

Mr. BLANTON. But very rarely does Congress go behind the findings of a court-martial.

Mr. CRAGO. I want to give an illustration of how courts-martial are conducted sometimes. I remember the case of a court-martial trying an officer in the Philippines. There were five Regular Army officers on that court and six men who never served in the Regular Army. Those five Regular Army officers were serving with the volunteer forces. When it came to a question of guilt of the captain who was tried—a volunteer officer—every man on the court-martial who had seen service in the Regular Army voted "guilty" and every man who came from the volunteer service voted "not guilty." They stuck to that notwithstanding the court-martial proceedings were sent back three times for revision, by direction of the commanding general, to change the findings.

Mr. BLANTON. The question I am trying to get the gentleman to answer is, Is it not a dangerous precedent for Congress to go behind the court-martial?

Mr. CRAGO. Not 50 or 60 years after it happened.

Mr. BLANTON. The further removed, the more danger there is.

Mr. CRAGO. I hardly think so.

Mr. FIELDS. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. FIELDS. It is guaranteed to the accused that he will have a fair trial; and if the court-martial knows that there is another tribunal that will review it, it makes a difference.

Mr. BLANTON. Fifty years after?

Mr. CRAGO. My attention has been called to the fact that they went behind the record of the court-martial in the case of Fitz John Porter, and President Garfield was a member of the court-martial and also a Member of the House later.

Mr. SLAYDEN. But the gentleman remembers what Congress did in the case of Fitz John Porter. It was to have the accused retried, and at West Point on the court-martial were three major generals of the Army.

Mr. EMERSON. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. EMERSON. Is this a case where two soldiers traded horses?

Mr. CRAGO. No; a soldier and a civilian. He found a horse in the hands of a civilian that he liked better, and he traded. After they went away the man charged him with having sold a horse that belonged to the Government.

Mr. EMERSON. Was that in the South or in the North?

Mr. CRAGO. I can not answer the question, but my impression is that it was in the North.

Mr. EMERSON. I did not know that they found them guilty in the South.

Mr. MANN. Mr. Chairman, there were a good many errors in findings by courts-martial during the Civil War; probably there are a good many errors in the findings of courts-martial in the present war. That is not strange when you consider that the War Department itself officially is constantly making errors. I would like to give one illustration of the fallibility of human endeavor as exemplified by the business methods in the War Department. I received a letter the other day from a lady residing in Texas stating that her son was in the Army in France; that before he went he made an allotment of a part of his compensation to her. The War Department, which has charge of it, informs her that they have no record of the allotment. So she has not received any money, but they have deducted the entire amount of the allotment when they went to pay the son. So he has not received the money. The War Department has received no such notice of the allotment when it comes to paying money to the one, but has full notice when it comes to pay money to the other.

Mr. BLANTON. That is an error of some \$100 a month clerk down here in the War-Risk Insurance Bureau who has passed upon the matter without giving it careful investigation.

Mr. MANN. I think the War-Risk Insurance Bureau has nothing to do with it.

Mr. BLANTON. Well, some clerk in the War Department. The error before the House, the error that is claimed, is against the court-martial, which is in effect the judgment of a court. That finding of the court-martial is to be passed on by Members of Congress, who know nothing in the world about the facts, nothing at all about the rules and regulations of the War Department, and it was made 50 years ago in the performance of its duties.

Mr. MANN. I fully appreciate the position of the gentleman from Texas, and yet courts-martial and courts frequently register the opinion of the clerk, who may or may not receive as much as \$100 a month. I do not know whether this was a \$100 clerk in the War Department or not, but I do know that the records, except for the fallibility of human nature, ought not to show, in the War Department or elsewhere, that a certain fact exists for one purpose and does not exist for another purpose.

Mr. SHALLENBERGER. Mr. Chairman, if the gentleman will yield, I call the attention of the gentleman from Texas and the gentleman from Illinois to the fact that during this war there has been a large number of men sentenced to be shot to death by musketry for desertion and the President of the United States has set aside the findings of every one of these courts-martial and the penalty has not been inflicted. So the President has set aside these findings.

Mr. RAGSDALE. Mr. Chairman, in view of the fact that the distinguished gentleman from Illinois, the minority leader, for whom I have profound respect, calls attention to the errors being committed to-day, I suggest that there never was a time when the House ought to be more particular in the findings that condone or encourage those who have been dealing unfairly with the Government. Whatever mistakes have been made by the War Department or in the Army, whatever has been done by any man in this war, certainly this is the time for the American Congress to go on record that where a man in uniform, no matter what his position, has been found guilty of thieving and has been convicted by his associates, his name should not be placed on the roll of honor.

Mr. CRAGO. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. STAFFORD. Does not the gentleman intend to incorporate in this bill the customary proviso about pension and bounty?

Mr. CRAGO. No; that is not necessary. This is the form that is recommended by the Secretary of War to the committee and it does not require that proviso. Where we use the other form that proviso is necessary.

Mr. STAFFORD. Then I desire recognition.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, a distinguished member of the Committee on Military Affairs states that it is not customary to add the proviso that no pension, bounty, or allowance shall accrue prior to the passage of this act. The bill considered just previous to this was a bill in identic phraseology to the bill now before the committee, and that bill contained that proviso.

Mr. CRAGO. It was in the old form, and we changed it to this form. I do not believe the gentleman has the facts clearly before him.

Mr. STAFFORD. Oh, yes; I have. I direct the gentleman's attention to the bill introduced by the gentleman from Connecticut [Mr. TILSON], which has just been considered.

Mr. CRAGO. Will it be satisfactory to the gentleman if we put that amendment on?

Mr. STAFFORD. We ought to take that precaution, at least.

Mr. CRAGO. Very well. Mr. Chairman, I move that the language "provided that no pension, bounty, or allowances shall accrue prior to the passage of this act" be added to the end on this bill.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAGO: After line 11, after the word "sixty-five," add the words: "Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act."

The CHAIRMAN. The question is on agreeing to this amendment.

The amendment was agreed to.

Mr. CRAGO. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

The question was taken.

Mr. RAGSDALE. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from South Carolina makes the point of order that there is no quorum present. The Chair will count.

Mr. RAGSDALE (interrupting the count). Mr. Chairman, I withdraw the point of order.



The CHAIRMAN. The gentleman from South Carolina withdraws the point of order. The question is on the motion of the gentleman from Pennsylvania that the bill as amended be laid aside with a favorable recommendation.

The motion was agreed to.

CLEMENT H. COLE.

The next business on the Private Calendar was the bill (H. R. 3090) for the relief of Clement H. Cole.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Clement H. Cole, who was a private in Company H, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 5th day of November, 1864.

Mr. CRAGO. Mr. Chairman, in order to comply with the request of the gentleman from Wisconsin [Mr. STAFFORD], I move that the amendment be inserted at the end of the bill, as in the previous bill.

The CHAIRMAN. The Clerk has the language at the desk and will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Mr. CRAGO moves to amend, on page 1, line 10, after the word "sixty-four," by inserting the following:  
"Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAGO. Mr. Chairman, if there is no explanation desired of this bill, I shall move that it be laid aside with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, I think we ought to have some statements of the bill.

Mr. CRAGO. Mr. Chairman, the facts in the case are these: This old gentleman, 80 years old, lives up in the northern part of Pennsylvania. He served for two years and nine months and four days in the Army. He became ill. He was in a hospital for a time, and was then given a furlough of 35 days. He was suffering at that time from chronic diarrhea, which, of course, was the curse of the Army. He returned to the home of Mrs. Adeline Metcalf, at Port Allegany, Pa., which is at the headwaters of the Allegheny River of Pennsylvania, practically on the New York State line. He made his home there, having none of his own. He was unable to leave his bed for many months. There does not appear to be any doubt of the facts. The soldier suffered from chronic diarrhea for from 18 months to two years after reaching home. We have the affidavits of the attending physicians. He was wholly disabled for military duty. There is evidence that the soldier stands well in his community, and that he has served five terms as a justice of the peace. The committee thought it to be one of the cases that was deserving of consideration. I therefore move that the bill be laid aside with a favorable recommendation.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Yes.

Mr. PARKER of New Jersey. Mr. Chairman, this is one of the cases where a man states that he was sick and went home on a furlough and then overstayed his furlough. When I was a member of the Committee on Military Affairs my friend, Mr. Bishop, who served in the Civil War and who lost his arm there, would have nothing to do with such a case. He said: Did the soldier ask for his pay; did he report where he was; did he send a letter saying where he was? If he did and if he were well, he would have been taken to camp. If he were sick, he would have been given a discharge because of illness, if his illness was incurable. He would have been given his pay if he was not shirking. Mr. Bishop used to say, for he would have written for his pay and reported where he was, and the thing would have been settled at that time. I learned from Mr. Bishop, with whom I served on the subcommittee, never to vote for a case where a man said he went home sick and stayed home sick and was not able to get back unless the man had reported where he was.

Mr. CRAGO. Mr. Chairman, I will just say to the gentleman that this case comes within the cases where it was decided where a man had had honorable service for two years or more he should receive consideration, even though he did not do what a reasonable man should have done in making his whereabouts known.

Communication was not easy 50 years ago, and these men did not know often where to report their whereabouts. This man had gone home sick. The evidence is undisputed by those who attended him. These affidavits, I would say, were made

quite a number of years ago, but they are on record in the War Department, and they show that from 18 months to 2 years after he went home, long after the close of the war, that he was not fit for military duty.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. CRAGO. I will.

Mr. PARKER of New Jersey. The gentleman says he did not know to whom to report?

Mr. CRAGO. Many of these men did not.

Mr. PARKER of New Jersey. Does not the gentleman know there were provost marshals in every district of the whole United States looking after fellows who were out of the ranks, and all he had to do was to report, and he would either have been returned to the ranks or else he would have been sent to the hospital or else discharged? It is not a man's business to come to Congress 50 years afterwards—

Mr. CRAGO. We are not passing a strict judgment in this matter. We are simply trying to do what we think is an act of justice on the part of the Government after all these years in view of the man's honorable service in the Army.

Mr. RAGSDALE. Will the gentleman yield for a question?

Mr. CRAGO. I will.

Mr. RAGSDALE. If one of the young men who enlisted from the gentleman's own district, who had been conscripted and had gone into the service under the flag in the great war we have just won, had deserted under a condition like this, would the gentleman at this time want him reinstated on the roll of honor?

Mr. CRAGO. I will say to the gentleman if I am spared to be here to plead for him 50 years from now I will do so very gladly.

Mr. RAGSDALE. I am not talking about the future, I am asking the gentleman, when the boys come back who have done so nobly over across the seas, where they have undergone everything that they have been called upon to bear, where they have won battles the like of which were never seen before, if a man had deserted and left them there to die and suffer as they have, the men who have been left in the ranks to undergo all they have, does the gentleman think a deserter who left them there ought to have the same place in the affections of the people of this country and on the rolls of honor of this country as the men who stayed?

Mr. CRAGO. No; but I do say if some innocent country boy got away from his command and was sick and in the hospital, and did not properly report where he was and his whereabouts to the War Department, and the War Department on the records recommend the giving of a dishonorable discharge, I am contending he ought to have an honorable discharge when his comrades know he is no deserter.

Mr. RAGSDALE. Does not the gentleman know at this particular time they are not asking the consideration of any boys, nor will they do it in this Congress, because the Secretary of War has asked that no bill of any kind relieving desertion should be reported since October 15, because of the effect on the boys who are now in the service?

Mr. CRAGO. I do not know anything of that kind.

Mr. RAGSDALE. The Secretary of War has not addressed a communication to your committee asking you not to bring in bills for the relief of desertion since October 15?

Mr. HARRISON of Virginia. Mr. Chairman, I would like to make a statement to this effect, that several of these desertion bills were submitted to the War Department for report thereon in accordance with the custom of the committee; that the Secretary of War or the Assistant Secretary of War—well, both the Secretary of War and the Assistant Secretary of War—recommended that the committee should not favorably report that particular bill, because at this present time—at the time he wrote—he did not think there ought to be any condonation of desertion cases.

Mr. McKENZIE. I would like to ask my colleague if it is not true the Committee on Military Affairs of this Congress, and especially this session or the last session, has declined to report any desertion bill or take up any new cases, and that all of these cases on the calendar are simply bills that have been reported and most of them passed in the last Congress?

Mr. CRAGO. That is true.

Mr. HARRISON of Virginia. I would like to add I happen to be chairman of this subcommittee before which these desertion cases come, and the cases that are now on this calendar are cases that have been previously reported in former Congresses and in many cases they passed the House, were favorably reported by the Senate, but died in the Senate because they could not be reached on the calendar.

Mr. McKENZIE. If the gentleman will allow me one question for the benefit of my friend from South Carolina, is it not a fact that the Committee on Military Affairs have consistently refused to report any bill where the evidence indicated that the soldier deserted from the Army under fire or when a battle was imminent?

Mr. CRAGO. Yes; or if it was willful desertion.

Mr. RAGSDALE. I am going on the record, and the record states that the Government was sufficiently considerate of this man to give him 35 days' furlough, that he left there and never came back; the showing is that he never returned, nor is there any showing that he made any effort to return, nor was there any effort made by him to advise anybody of his whereabouts; and the question now before this body is, Was desertion fifty-odd years ago a penal offense? Was it a threat against the flag? Was it a danger to the United States? If it was then, is it not now? He deserted fifty-odd years ago at a period of time when the very preservation of the Union was threatened to be set aside, and I wonder, if Benedict Arnold could come on the floor of this House and have our illustrious friend from Pennsylvania to help him, would we receive and reinstate him in the affections of the American people and put him upon our roll of honor?

Mr. Chairman, if the gentleman will permit me—

Mr. CRAGO. The gentleman is making quite a speech.

Mr. RAGSDALE. It seems to me there ought never to have been a time nor should there ever be a time when the men who fought for the flag should ever cease to be properly venerated. There ought never to be a time when those who deserted, those who left their comrades in arms in places of danger and exposed them to death ought to receive the same commendation at the hands of this Congress or of the American people as those who stuck by their guns until the end was in sight.

Mr. CRAGO. Mr. Speaker, in answer to the eloquent argument of the gentleman from South Carolina [Mr. RAGSDALE] I simply want to say this, that if one of these boys over in France, even though he may never have seen more than three months, or six months, or one year of service, should be sent home sick and should fail to report to his commanding officer and in innocence of what was required of him as a soldier should remain at home ill, I know there is no question of what the Congress would do in righting that man's record. And I am proud to say, after we have made an investigation of these cases, that I am doing what I can to help personally all these old men, who for one year, two years, or three years fought for this Union, and technically committed some error. I am willing to help them in the last years of their lives to join their comrades in the Grand Army of the Republic, and to acknowledge that they paid a bigger price than many men pay who fight their cause here in Congress.

Mr. FIELDS. Mr. Chairman, I have given a good deal of thought to cases of this character, having been on the Military Affairs Committee for some time and for a while chairman of the committee on desertions. There are a number of cases where men are charged with desertion where the evidence and the records of the case fail to show that there was ever any intent on the part of the man to desert. Now, we all realize, as the gentleman from Pennsylvania [Mr. CRAGO] said a moment ago, that means of communication were not good during the days of the Civil War. The gentleman from New Jersey [Mr. PARKER] asked why the man did not report to the provost marshal. Why, probably he was 50, possibly 100 miles away from the provost marshal at that time. Men in many instances were captured or were confined to hospitals or were left sick by the roadside.

Mr. RAGSDALE. Will the gentleman permit an interruption?

Mr. FIELDS. Not just now. Men who lived in that day know how difficult, and not only difficult but impossible, it was for men to go single handed and alone and reach their commands after their recovery or after their release or escape from prison.

Mr. NORTON. Will the gentleman yield?

Mr. FIELDS. Not just now, with all courtesy.

I have in mind a case where a man enlisted and served for two years. He was captured in the Battle of Richmond. He was kept in prison for seven months. He escaped from prison by some means that I do not now recall. The day following his escape from prison he enlisted in another organization, being informed that his own organization was at that time in Texas. He had been detained somewhere in Kentucky. Does it stand to reason that that man could reach his organization in Texas? Would any reasonable man on the floor of this House or anywhere else charge him with desertion because of his failure to reach his organization, which was then reported in Texas? He probably should have reported to the proper military authorities and gotten a new assignment. But we can understand how

easy it is for men who are gathered up here and there, who never had any military service or military training, and probably are illiterate, to fail to understand their duties. But the man did the best thing he knew to do. He enlisted in another organization and served until the end of the war, engaged in four or five battles, and was given an honorable discharge. Yet years afterwards when he applied for a pension he was notified by the War Department or by the Pension Bureau that he was a deserter, and the charge of desertion stands against him to-day.

There are many cases along that line, and I feel that the most cruel thing that the Government can do is to call to its service a patriotic man and after months or probably years of service, because of some circumstances for which he is not responsible, he is separated from the service to then charge him with desertion. I have no patience with a willful deserter. I have no sympathy for him. But I say to you that the Government had better pension 99 deserters than to charge 1 innocent man who served his country faithfully with desertion when he did not desert. It is, as I have said, the most cruel thing, to my mind, that the Government of the United States could do. And the officials of the War Department should be careful, and Congress should not consider its functions of too great importance to review these cases. Because it is upon that spirit, the spirit of patriotism, that these men show when they go to war, that the safety and perpetuity of the Republic depends, and it should be protected in the individual the same as in the public at large.

Mr. RAGSDALE. Will the gentleman permit an interruption?

Mr. FIELDS. Yes.

Mr. RAGSDALE. Was not the gentleman very eloquent on the floor and very active the other day in an endeavor to get through a bill here which denied any consideration to deserters? Why, did not the gentleman try to vacate a vote here on the floor this very week because of the fact that some benefits might accrue to somebody that might be charged with desertion?

Mr. FIELDS. Not at all.

Mr. RAGSDALE. What is the reason the gentleman asked for the vacating of that vote?

Mr. FIELDS. I am glad the gentleman asked that question. A vote was had here the other day on a bill, which a good many gentlemen voted against because the words "honorably discharged" had been stricken out of it through mistake, between the gentleman who offered the amendment and the Clerk at the desk. That did not worry me. The bill had to go to the Senate and to conference. I will say to the gentleman that had the words not been restored I, as one of the conferees, should I be one of them, would see to it that the words were restored in conference. And I think I would have no trouble in doing that, because I think every conferee would have been willing for the restoration of the words. So that was no reason in my mind for voting against the bill, though many men voted against it who had probably not thought of that phase of it after the record vote was had on the bill. I asked unanimous consent to restore the language to the bill and then vacate the roll call to prevent putting men on this floor in a false position.

I think that the gentleman from South Carolina should have been fair enough to have agreed for the roll call to be vacated. I want to say to the gentleman from South Carolina that I never found pleasure—and I hope I may never find pleasure—in taking advantage of men on the floor of this House and attempting to put them in false positions before the country because of some unfortunate position that has arisen here. I was not in that position. I voted for the bill, but men who had voted against it because those words were left out of the bill were not given a fair deal, and the gentleman from South Carolina was not fair in his objection to the vacation of the roll call. It did not mean anything to me. It was not worth anything to me to vacate the roll call, but in a spirit of fairness to the men who had voted against the bill because those words had been omitted.

Mr. RAGSDALE. Mr. Chairman—

Mr. CRAGO. I yield to the gentleman from South Carolina.

Mr. RAGSDALE. Mr. Chairman, I may be unfair, but if I am unfair to men it will be while they are on the floor of the House, and it will not be afterwards. I understood from the gentleman from Kentucky that the matter would not be taken again on the floor that day.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. RAGSDALE. Yes; I will deal a little more fairly with the gentleman than he did with me. He declined to yield to me.

Mr. FIELDS. I will say to the gentleman that I had no such agreement as that with the gentleman from South Carolina.

Mr. RAGSDALE. Mr. Chairman, the gentleman from New York [Mr. DONOVAN] was sitting right by me, and he heard what transpired, and at no request of mine, but because he understood from the conversation between the gentleman from



Kentucky and myself that I was under the impression that the motion would not be made to vacate in my absence from the Chamber, he objected and prevented the gentleman from Kentucky from succeeding in vacating the motion.

Now, Mr. Chairman, I think those who have served with me here during the period of time that I have been here know whether or not I have been fair. They know whether or not I have brought sectionalism into the discussions or attempted to arouse any party strife here, or to do those things on the floor of this House that ill become a Member of this House. I have stood here trying not to injure the good name of any Member of this House, nor have I tried to do those things that would create animosity or unkindly feeling between Members. I am sorry that the gentleman from Kentucky should come on the floor of the House and charge me with being unfair merely because I, as a representative of the people who have sent me here, objected to the use by him of a motion to vacate a roll in the House. If I have to defer to him, if I must give up my right to object to the undoing of things that have been done in the RECORD in order to maintain his good will, Mr. Chairman, then, great as the loss must be to me, irreparable as the injury is that I must suffer, I am sorry that I shall have to go from this body with that great loss, for which nothing else can recompense me.

Mr. CRAGO. I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. FIELDS. Mr. Chairman and gentlemen of the House, I should not reply to the gentleman from South Carolina [Mr. RAGSDALE] had he not charged or intimated that I had an agreement with him that I would submit a request for unanimous consent in his absence.

Mr. RAGSDALE. Mr. Chairman, will the gentleman permit an interruption?

Mr. FIELDS. Yes.

Mr. RAGSDALE. I did not make any such statement, Mr. Chairman. What I stated was that I had a conversation, and that a listener thought from the conversation that took place that I was under the impression that the motion would not be renewed. Mr. DONOVAN, of New York, made that statement to me.

Mr. FIELDS. I asked unanimous consent to vacate the roll call, and the gentleman objected. I spoke to him over there, or over here, and asked him not to object. I told him that it was only fair to the membership that the roll call be vacated, and he said that he was unwilling that it should be vacated, and later in the day I asked unanimous consent again. I did not say to the gentleman nor did I intimate to him that I would not renew my request that the roll call be vacated. If I had said to the gentleman that it was over for the day, I will say to him now that I would not have asked it at a later time. But I made no such statement to the gentleman, nor did I say anything to him in the conversation from which any man could draw the inference that I intended not to call up or ask for the unanimous consent during his absence. It is true that the gentleman was not on the floor when I made the request the last time, and I will say, Mr. Chairman, that it is so much easier to transact and expedite business in the absence of the gentleman from South Carolina than it is in his presence that no man could be blamed for submitting his request during the absence of the gentleman. If he wanted to object to it, he should have stayed here.

Mr. BURNETT. Mr. Chairman, I just rose for the purpose of expressing the hope that the gentlemen will not delay legislation by settling their grievances here when the Private Calendar, that we so seldom get an opportunity to take up, is under consideration. For the Lord's sake, let us get along with this important business.

Mr. CRAGO. Mr. Chairman, I yield to the gentleman from Ohio [Mr. LONGWORTH].

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. LONGWORTH. Mr. Chairman, I merely desire to ask the gentleman a question relating to the policy of the committee on this class of cases, in order that I may intelligently answer men who occasionally ask me to introduce such bills as these. My recollection is that in the first 10 years of my service in this House it was the invariable rule of the Committee on Military Affairs to report none of these bills under any circumstances. I am not quite clear what the policy after 1914, when I came back to this House, has been. I would like to ask the gentleman what the policy of the committee has been and what it will be in the future in regard to desertion cases.

Mr. CRAGO. I explained to the House the procedure of the committee. All bills are referred to a subcommittee. If the

bill meets with the unanimous approval of the subcommittee it is reported back to the full committee, and if the full committee unanimously agrees to it some one is appointed to make a report. This class of cases has received favorable consideration, and they are cases where the man has had a year and a half or two or three years honorable service. There have been hundreds and hundreds of cases where sympathy dictated relief, but the committee did not think they were justified in giving relief.

Mr. LONGWORTH. Is that to be the policy in the future? I understood the gentleman from Virginia to say that such cases would not ordinarily be considered.

Mr. CRAGO. That is true during the period of the war. We were not considering desertion cases during the war, for fear it might have some effect on the morale of the soldiers.

Mr. HARRISON of Virginia. I understood that was to be the settled policy of the committee.

Mr. CRAGO. These are all bills considered one or two years ago.

Mr. HARRISON of Virginia. This question of desertion cases does not seem to be a new question at all with the subcommittee. Hundreds of cases passed by Congress gave relief to men who had been charged with desertion, and it did not seem to be right that any distinction should be made between men that became entitled to it virtually under the same circumstances. And so our committee has been reporting these cases of desertion where there were equitable grounds, although the men may have been shown to have had an honest service for two or three years. But when these cases were sent to the Secretary of War, as all these cases are, the Secretary of War made the request that there should be no further reports made on cases of this character. I prepared a letter and sent them to gentlemen interested in these cases.

Mr. LONGWORTH. Then it will be correct to say that now it is the policy of the committee to report no desertion cases?

Mr. HARRISON of Virginia. That is the standing policy of the committee.

Mr. CRAGO. Mr. Chairman, I move that the bill be reported to the House with a favorable recommendation.

The motion was agreed to.

MARSHALL M. POOL.

The next business on the Private Calendar was the bill (H. R. 2492) to establish the military record of Marshall M. Pool.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to cause the name of Marshall M. Pool to be entered on the muster roll of the United States Army as captain of Illinois Volunteers under date of August 25, 1864, and to issue to said Marshall M. Pool an honorable discharge as captain of Illinois Volunteers and as aid-de-camp on the staff of Bvt. Maj. Gen. James H. Wilson, under date of April 23, 1865.

Mr. CRAGO. Mr. Chairman, the gentleman from Illinois [Mr. MANN], who introduced the bill, knows all about the personality of Mr. Pool. The thing that struck me forcibly as a member of the subcommittee on this bill was a letter from Gen. James H. Wilson. Gen. Wilson, as you all know, is probably one of the greatest living officers of the Civil War. He was also an officer in the Spanish-American War. He is said to have been probably the greatest engineer officer in the Civil War and has written one of the most interesting histories, not only of the Civil War but later of the Spanish-American War. He organized for the Army of the Potomac the Cavalry branch of the Army, and it is on the strength of that letter certifying to the services of Marshall M. Pool, reading between the lines, that I would take it for granted that Mr. Pool was a young man, who, in his eagerness to serve the Nation, did not go through the formality of securing a commission in the Federal Army. He was, however, commissioned by the governor of the State of Illinois and was ordered to report for duty at the headquarters of the military division of the Mississippi at Nashville, Tenn., and he did so report. Transportation was furnished him by the Army for two horses and one servant. Gen. Wilson certifies that he served on his staff in the month of November, 1864, as aid-de-camp. He participated in the Cavalry operations against Hood's army from that date until Hood was expelled from Middle Tennessee.

Capt. Pool then continued on my staff at the Cavalry camp of instruction at Gravelly Springs, Ala., till about the 20th of March, 1865, when operations began against Selma, Montgomery, West Point, and Macon, Ga. He participated in all the marching and fighting that was done during that campaign, ending in the capture of Jefferson Davis and various members of his cabinet. Capt. Pool left my staff about the 1st of May, 1865, when the war was entirely ended, and returned to his home in Illinois.

That in brief is about the service of Capt. Poole on the staff of Gen. Wilson, one of the most distinguished officers of the Civil War. Your committee thought it was only just and

proper that he should be given a discharge from the service, having served as an officer of the United States Army.

Mr. STAFFORD. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. STAFFORD. Can the gentleman inform the committee whether there are many instances of persons commissioned by the governors of the respective States who joined the Federal service but did not enlist in the Federal Army, similar to the case of Capt. Poole?

Mr. CRAGO. I have known of other cases where they have been given commissions later.

Mr. STAFFORD. What reason can the gentleman give for Mr. Poole not enlisting in the Regular Army but retaining a commission from the governor?

Mr. CRAGO. At that time not enough attention was given to the technical position in which it placed them. The governors of the States commissioned men to serve in the Federal Army and commissioned them as officers of the volunteer forces in those States.

Even as late as the Spanish-American War commissions issued to volunteer troops in that war were issued by the governors of States for Federal service, and men were simply mustered into the service of the United States by the officers of the company, and the entire company lining up and taking the oath of allegiance to the United States. This young man was commissioned just the same as any other officer, but he was assigned staff duty, and the matter of being mustered in had probably been overlooked, because he was not with any organization. If he had been with the First Illinois or any other organization, he would have gone out and held up his hand and been mustered in, and that would have been his commission, because the only one he would have would be the commission from the governor of the State. Not having been mustered in, he is not on the muster rolls of the Federal Government, but he did this service, and it is certified to by Gen. Wilson, and I think is deserving of consideration.

Mr. STAFFORD. He joined the Federal forces rather late in the war.

Mr. CRAGO. Yes; he was a very young man, and his father furnished him with his outfit, horses, and everything.

Mr. STAFFORD. I wish to inquire whether under the phraseology of this bill he will be entitled to a pension dating back to 1865.

Mr. MANN. Oh, no; because no back pensions ever date prior to the date of application.

Mr. STAFFORD. By this bill granting him an honorable discharge as captain of Illinois Volunteers, under date of April 23, 1865—

Mr. MANN. He is entitled to pay and they recommend that he be allowed pay for the time he served.

Mr. STAFFORD. I am more concerned about whether he would have a claim against the Government for a pension.

Mr. MANN. He would not have any claim.

Mr. FOSTER. Has he ever applied for a pension?

Mr. CRAGO. No.

Mr. MANN. If he has, it is not known to me. He would not have had any status for a pension.

Mr. FOSTER. Suppose he had made application for a pension and we should pass this legislation, what then?

Mr. MANN. This would not give it to him. I am not in favor of granting him back pension.

Mr. STAFFORD. No one would be in favor of granting him a pension to date back to 1865 under any circumstances.

Mr. MANN. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

MAJ. CHALMERS G. HALL.

The next business on the Private Calendar was the bill (S. 3299) authorizing the President to reappoint Maj. Chalmers G. Hall, retired, to the active list of the Army.

Mr. CRAGO. Mr. Chairman, the facts in this case have left me just at the present time; but I want to call the attention of the House to the communication from the present Secretary of War dated January 17, 1918, in which he finds that Maj. Hall was not given a fair chance when he was mustered out of the Army. It seems that he had been sick and an operation had been performed upon him, and before he had recovered from that operation, which was performed by a medical officer of the Army, he was mustered out because of physical disability. I quote from the letter of the Secretary of War:

Maj. Hall protested against retirement and requested a delay of six months, to be then again examined to determine his fitness for promotion. This was denied him, but he was assured that if he fully recovered he could be returned to the active list under the law. The application of the law as applied to field officers had expired March 5, 1917.

Maj. Hall accepted the action of the board under this misapprehension, and having recovered from his physical disability it seems evident that the retiring board erred in its findings of permanent disability. Maj. Hall was examined January 14 by a board of medical officers and was found physically fit to return to the active list. In view of these circumstances I recommend the passage of this bill.

Very respectfully, yours,

NEWTON D. BAKER, Secretary of War.

In view of these circumstances, we think he is entitled to consideration.

Mr. MANN. When was he retired?

Mr. CRAGO. Some time in the year 1916.

Mr. MANN. Is he in the Army now?

Mr. CRAGO. I can not answer that. I will say frankly to the gentleman that the status of this gentleman has slipped my mind. I did not know this matter was coming up to-day.

Mr. MANN. Of course, he would have had an opportunity to get back during this war.

Mr. CRAGO. And I have no doubt that he did.

Mr. MANN. If he did, is it necessary to enact this legislation?

Mr. CRAGO. I would say, to put him back regularly, it is. Under this recommendation made in January, 1918, I think we ought to take action, because if he did go in, he would go in simply as a volunteer officer and would be mustered out. They have no authority to keep in men except Regular Army men, and this would put him in a position so that he could take his status as a Regular Army officer.

Mr. MANN. Here is what was in my mind. I do not see any objection to passing this bill if war had not occurred; but if he did not get back in the Army, to put him back now in the rank he would have had if he had remained in the Army, with the very large promotions, would not be right, I think. I do not know that it would give him anything above a colonel. Plainly it ought not to give him anything except an automatic promotion.

Mr. CRAGO. I suggest that it might be well to let this bill go through, and then we could thoroughly investigate matters before it was taken up in the Senate, before any action was taken upon it. I will say frankly that I do not know this, but I shall endeavor to find it out.

Mr. MANN. The gentleman will not have any control. Maj. Hall, if he is around, will look after it himself. I am not going to object.

Mr. GREENE of Vermont. The gentleman from Illinois will remember we did in some Army bill some years ago make a provision returning to the active list officers retired if they were fit to return, but there was a date put upon it.

Mr. MANN. I have no objection to letting him go back into the Army, even if we do not need him as an officer. I take it we do not, if he went in the Army during the war. If he declined to go into the Army during the war, it does not seem to me he ought to be retired now and give him the rank that he would have had if he had remained in the Army from the beginning.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the President is hereby authorized to reappoint to the Cavalry Arm as an extra number, with such rank as he would have had if he had never been retired, Maj. Chalmers G. Hall, of the United States Army, retired.

Mr. CRAGO. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

JENNIE M. HEATH.

The next business in order on the Private Calendar was the bill (H. R. 10225) striking from the pension roll the name of Jennie M. Heath.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to strike from the pension roll the name of Jennie M. Heath, helpless and dependent child of Charles E. Heath, late of Company G, First Regiment Minnesota Volunteer Infantry, who is now pensioned by special act of Congress approved August 7, 1914.

Mr. STAFFORD. Mr. Chairman, I think some little mention should be made of this unprecedented bill in the history of legislation in the Congress. I do not recall in my 14 years of service where we have ever separated any person from the pension roll of the Government. Here is a case, an exceptional case, one that will go down in the history as a cause célèbre, perhaps, where the Committee on Invalid Pensions recommends the separation of a pensioner who lately became married to a rich person. I suppose if the pension rolls were examined there would be many similar instances where pensions are payable to persons after their pensionable status is removed. I move, if there is no member of the Committee on Invalid Pensions who desires to do so, that the bill be laid aside with a favorable recommendation.

The motion was agreed to.



THOMAS J. ROSE.

The next business in order on the Private Calendar was the bill (H. R. 925) for the relief of Thomas J. Rose.

The Clerk read as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas J. Rose, who was a private in Company H, Sixth Pennsylvania Volunteer Infantry, and a private in Company H, Forty-eighth Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of Company H, Forty-eighth Pennsylvania Volunteer Infantry, on the 11th day of November, 1862.

Mr. CRAGO. Mr. Chairman, in view of the remarks which have already been made concerning the other bills, I move you that the usual proviso be inserted at the end of the bill.

Mr. STAFFORD. Before the gentleman moves the amendment and general debate is terminated thereby, I rise for recognition. I do not wish, however, to take the gentleman off of the floor.

The CHAIRMAN. Does the gentleman yield to the gentleman?

Mr. CRAGO. I will gladly yield to the gentleman.

Mr. STAFFORD. I may be misinformed about this case, but the report, as I read it, shows that this soldier was pronounced fit for duty on November 11, 1862, and yet at that time he left the service. I understood from the statement of the gentleman from Virginia that it was the policy of the committee that they would not recommend any bills where the soldier left the service and really was a deserter.

Mr. CRAGO. The gentleman will notice, if he goes into this further, that what we are trying to help out here is really the supplementary service. If the gentleman will let me explain the bill, I will make my motion to amend a little bit later. This soldier did enlist in 1861 and served until September 9, 1862, having been reported in the meantime or pronounced fit for duty. The testimony shows that this soldier suffered with the disease for which he had been treated. He went to Pittsburgh, Pa., to visit a sister, and after partially recovering from said disability enlisted in the Navy at Pittsburgh, Pa., on August 25, 1864, for service on the Mississippi Squadron. The fact of his naval service is borne out by the records of the Navy Department, as follows:

That Thomas J. Rose enlisted in the United States Navy at Pittsburgh, Pa., August 25, 1864, to serve one year; served on the *Grampus*, *Great Western*, and *Volunteer*, and was discharged August 1, 1865, at Mound City, Ill.

So the two services combined make a good and faithful service of more than two years and a half. After his discharge from the service he went to Pittsburgh, and never went through the formality of securing an honorable discharge, but thought that since he was reinstated in the Navy that that would cure everything. The record has stood on that basis up to the present time. Now, I simply want to call attention to the fact that crept into this report from the correspondence that we have, and that is, namely, that the only brother of this soldier—George W. Rose—lost an arm at Antietam; that his father, Daniel Rose, was wounded in the Battle of the Wilderness; and that his mother, Susanna Rose, was a nurse in the Harewood General Hospital, Washington, D. C. This old gentleman has been an honored resident in the district represented to-day in Congress from our State by Mr. HEATON, of Pennsylvania, all these years, and we thought it was only a simple act of justice for the Government to give this man credit for those two services. He has an honorable discharge from the last service, and he wants to connect up the two of them. I, therefore, move to amend by adding the usual proviso at the end of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 12, after the word "sixty-two" insert "Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act."

The amendment was agreed to.

Mr. CRAGO. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

MARY J. LACEY.

The next bill in order on the Private Calendar was the bill (H. R. 8856) for the relief of Mary J. Lacey.

The bill was read as follows:

*Be it enacted, etc.,* That Mary J. Lacey, mother of William A. Stewart, late private, Company E, Fifth Regiment Maryland National Guard Infantry, who died on October 4, 1916, at Indio Ranch, El Paso, Tex., while in the service of the United States, shall be regarded as the duly designated beneficiary of the late Pvt. William A. Stewart, under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

Mr. COADY. Mr. Chairman, I move that this bill be reported back to the House with the recommendation that it do pass.

The CHAIRMAN. The gentleman from Maryland moves that the bill (H. R. 8856) be reported back to the House with the recommendation that it do pass.

The motion was agreed to.

THOMAS G. ALLEN.

The next bill in order on the Private Calendar was the bill (H. R. 4610) to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States and making an appropriation therefor.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas G. Allen the sum of \$3,000 for injuries received while employed in the United States General Land Office, Washington, D. C., December 27, 1915.

Also the following committee amendment was read:

Committee amendment: Page 1, line 6, strike out "\$3,000" and insert "\$1,000 in full settlement of all claims against the Government."

Mr. STAFFORD. Mr. Chairman, I wish to be recognized in opposition to the bill. Unless the gentleman wishes to take the floor I will withhold asking for recognition at present.

Mr. STEPHENS of Mississippi. Mr. Speaker, I would like to make a statement. This bill is for the relief of Thomas G. Allen, who was employed in the General Land Office of the United States. It seems while Mr. Allen was working in the line of his duty that some heavy bookcases, containing some large books, fell upon him. He was entirely covered up by this mass of stuff, and it required the work of about 15 persons for 30 minutes to remove the debris from him and take him out from under the things that had fallen upon him. Mr. Allen was in the hospital two or three months, and was considered to be in rather a serious condition. After two or three months he was discharged and returned to work.

I have seen this gentleman recently. This accident occurred about three years ago this month. He is still in an enfeebled condition, claims that he suffers very much from the injuries received on that occasion. He was receiving at the time the sum of \$1,000. The bill provided that he should be paid the sum of \$3,000, but the committee, after considering the matter, amended it by providing the payment of \$1,000 in full settlement of all claims. That amounts to one year's salary. We feel under all the circumstances that this gentleman should be allowed that sum.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. STEPHENS of Mississippi. I will.

Mr. McLAUGHLIN of Michigan. Has this claimant returned to take up his own work under the Government?

Mr. STEPHENS of Mississippi. Yes. He went back to work there, but he was able to do only very light work. I do not remember that I asked him his age, but he must be 70 years of age.

Mr. McLAUGHLIN of Michigan. Is he receiving the same salary now that he did before the injury?

Mr. STEPHENS of Mississippi. I think he is receiving practically the same salary; yes, sir.

Mr. McLAUGHLIN of Michigan. Then his loss, so far as money is concerned, was for being deprived of his salary during his absence in the hospital?

Mr. STEPHENS of Mississippi. Yes, sir. Then, of course, he had to defray his doctor's bill, and the man has suffered a great deal through all these years.

Mr. McLAUGHLIN of Michigan. I speak only of the money loss.

Mr. STEPHENS of Mississippi. I think the monetary loss is what you say.

Mr. McLAUGHLIN of Michigan. He did not receive a salary while he was absent?

Mr. STEPHENS of Mississippi. I do not think he was allowed the entire salary. I think, perhaps, he had 30 days' sick leave during that time.

Mr. McLAUGHLIN of Michigan. Do you know if the custom of that department is if a man is injured in the service and it necessitates his absence from duty longer than the 30 days' leave that is given, that he is stricken from the roll and not permitted to draw any of the stipend?

Mr. STEPHENS of Mississippi. I do not think he was stricken from the roll. I think he was allowed to continue in the employ of this department.

Mr. McLAUGHLIN of Michigan. If there is any foundation for this claim, it would be in the idea that the Government was to blame for the injury and not the man himself, and under those circumstances, it seems to me, he ought not to have been deprived of his wages during the time he was in the hospital or unable to perform his work.

Mr. STEPHENS of Mississippi. It was held, I will say to the gentleman, that this man did not fall within the compensation act of 1908. Some of the employees of the Government when injured are compensated.

Mr. McLAUGHLIN of Michigan. We would have provided a fixed compensation under that act?

Mr. STEPHENS of Mississippi. Yes, sir.

Mr. McLAUGHLIN of Michigan. I was speaking of the burden resting on the Government to continue that man on the roll and pay him wages for the injury, which was the fault of the Government and not that of the man himself.

Mr. STEPHENS of Mississippi. It appeared clear to the committee that the injury was the fault of the Government and not of the man.

Mr. McLAUGHLIN of Michigan. The amount of money allowed him, then—\$1,000—is evidently small enough.

Mr. STEPHENS of Mississippi. We thought so.

Mr. FOSTER. How much would he get under the compensation act of 1908 if he received it under that law?

Mr. STEPHENS of Mississippi. About the amount, I think, the committee allowed.

Mr. STAFFORD. What is the basis of the gentleman's statement? The gentleman is making some statements that are not supported by the report.

Mr. STEPHENS of Mississippi. I do not understand.

Mr. STAFFORD. The gentleman is acquainted with the report. I know he does not do it intentionally.

Mr. STEPHENS of Mississippi. I do not know what the gentleman means by that statement. I would like to have him say.

Mr. STAFFORD. The gentleman said this man was out of work for several months.

Mr. STEPHENS of Mississippi. I did not say "several months."

Mr. STAFFORD. Two months?

Mr. STEPHENS of Mississippi. Something like that—two or three months.

Mr. STAFFORD. The report showed that he was confined to his bed only three weeks, and he was only disabled from performing his duty from December 27 to February 7.

Mr. FOSTER. He was able to do only a little work.

Mr. STAFFORD. Though the record does not show, and I believe I am not indulging in a wild assumption when I say that he is one of the old men connected with the Land Office who is carried on the rolls as a pensioner.

Mr. STEPHENS of Mississippi. I will say to the gentleman that the records show he was incapacitated from regular work, and when he came back he was allowed to do very light work, about two months later. For quite a little time he was not in condition to do work of any moment at all. Therefore he was practically out of business, as I said, for two or three months.

Mr. FOSTER. As I understand, under the compensation law for a death they gave a year's salary. Many of them have been denied further compensation than the one year's salary, whatever it might be. This man was not killed, but went back to work to do something, at least, in the course of a few months. It does not seem to me that under that compensation law he would be entitled to a thousand dollars. I have not looked it up; I have forgotten about it. When I served on the Committee on Claims I used to be more familiar with the law than I am now. I do not remember, but it seems to me it would not be a thousand dollars.

Mr. MANN. Under the compensation act he would be paid only for the time he was absent.

Mr. FOSTER. Yes. As to these cases that did not come under the compensation act we have always settled them on the basis of the compensation act of 1908.

Mr. MANN. We have endeavored to settle them on the basis that they should not receive more than a year's pay, which was the utmost allowed by the compensation act.

Mr. FOSTER. That was for very severe injury or death.

Mr. MANN. Even then we paid it on the theory that we would not allow more than that, and we have allowed that in a good many cases where they would not have received it under the compensation act.

Mr. FOSTER. I know we investigated a number of very pitiable cases that excited the sympathy of every Member, but we did not go beyond one year's salary for a death.

Now, if this man was out but a few weeks or a few months and went back and received his salary in full, it seems to me we are doing more for him than we did for those in the past.

Mr. MANN. Of course.

Mr. FOSTER. And I do not think we ought to establish a precedent of this kind.

Mr. EDMONDS. I want to call attention to the fact that the committee has given him this \$1,000 on account of the fact that he was permanently injured.

Mr. FOSTER. He is drawing a salary from the Government. Mr. EDMONDS. Of course. He is permanently injured, and Secretary Lane states in his letter that he is of opinion that he should have some compensation.

Mr. FOSTER. He is drawing the same salary that he formerly received?

Mr. EDMONDS. I think he is.

Mr. FOSTER. It seems to me that giving him a thousand dollars is more than we have been doing in the past for others.

Mr. STEPHENS of Mississippi. It has been done time after time.

Mr. BLANTON. Mr. Chairman, the committee, as stated by the gentleman from Pennsylvania [Mr. EDMONDS], based its action, as I understand it, on this language by the Secretary of the Interior:

Mr. Allen was unable to return to his official duties until February 8, 1916, and he has not entirely recovered to this time from the injuries inflicted and will probably never be restored to his former physical condition.

I am therefore of the opinion that Mr. Allen should be compensated for the injuries he sustained.

Like my friend from Illinois [Mr. FOSTER], I think that the compensation is excessive; I believed that \$500 was maximum compensation, in view of the fact that he drew all of his wages. He lost none of his wages while he was out of the office for some time. When he came back he got his pay. I think \$500 really is an excessive amount, but I was willing to give that amount. But in view of the fact that all my colleagues on the committee agreed to reduce the claim from \$3,000 to \$1,000 and all insisted on giving him a thousand dollars, I did not see fit to fight their action in the committee.

Mr. FOSTER. I am not sure that he ought to have anything.

Mr. STAFFORD. Mr. Chairman, this is a claim to reimburse an old person, 74 years of age, for some slight injuries that occurred in the performance of his work, from no fault of his. I take it, although the report does not show that. I will concede that. And his injury came not through any negligence of the Government. He was in the filing room of the Land Office and some books and files fell down, which resulted, according to the certificate of the physician, in contusion of the abdomen and an abrasion of the knee. The accident occurred on December 27, 1916.

Mr. McLAUGHLIN of Michigan. Nineteen hundred and fifteen.

Mr. STAFFORD. Yes; 1915. He was confined to bed for three weeks. He resumed his duties on February 8, 1916. He was receiving a salary of \$1,200—a man 74 years of age. It is not a radical assumption that he was a pensioner—a clinger-on to the Government pay roll—and is to-day. There are many such men in all our departments. That is one of the great questions before the Government in the administration of its affairs—that we keep on the salary rolls men who are of no value in the administration of its affairs and pay them a salary of \$1,200, or thereabouts, because we have no civil pension list. He returns to duty, and the only permanent injury, as disclosed by the report, is that he is nervous. A man suffers an abrasion of the knee.

I want to treat this man as he deserves to be treated, but if he were in private employment he would not have the nerve to ask any such amount as \$3,000. He would be glad to receive his salary, such as he receives from the Government, and the expenses of his sickness and hospital charges. But no; he retains his position with the Government and makes a claim for \$3,000 upon that statement. This superannuated employee was only out of the service for six weeks and confined to bed for only three weeks, and the only permanent injury is nervousness; the committee reports in favor of paying him \$1,000.

I say we should not establish the precedent here to pay any of the Government employees when they are so slightly injured as this man is. There is another bill on the calendar substantially similar in extent, to pay a man \$1,000.

I am going to be liberal. I am going, Mr. Chairman, to move—so that they can not say that I have no milk of human kindness toward the Government employees and toward this superannuated old employee—to reduce the amount of \$1,000 to \$250. We are pensioning him at \$1,200 a year. He has not lost any salary at all. I do not believe that he should receive anything. With consummate nerve, suffering only from that slight injury, and the Government keeping him on the pay roll at \$1,200, he comes here and asks for reimbursement to the extent of \$3,000.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?



Mr. STAFFORD. Yes.

Mr. SLOAN. Is the gentleman giving evidence of his milk of human kindness by reducing this old man's claim from \$1,000 to \$250? Does not that indicate that the gentleman's milk of human kindness is considerably soured? [Laughter.]

Mr. STAFFORD. No. That is the kind of logic that the gentleman from Nebraska usually uses in this Chamber, because the gentleman from Nebraska has the reputation of pouring more bitter gall on the other Members of this Chamber than any other Member of this body.

Mr. BLANTON. Mr. Chairman, I desire to be recognized, being a member of the committee, to speak on this question. Under the law this man is not entitled to a single dollar. Anything that is given him here is merely a bounty given by this Government. I quite agree with the gentleman from Wisconsin [Mr. STAFFORD] that the committee has been too liberal in passing upon this case. I do not think that a precedent should be set here to pay every man who gets injured unless he comes within the purview of the law. We have a law providing for the compensation of injured employees. To get compensation he should bring himself within the provisions of this statute. I do not think we should set a precedent out of the bounty of the people's money by paying every person who gets hurt.

As stated, this man was in bed only three weeks. He was 74 years of age at the time he was hurt. If he had been younger, he probably would not have been injured. Of course, he can not be condemned because he is old, but I take it that he was hurt primarily because he was old, and that if he had been a younger and more active man he would have gotten out of the way when the cases fell. I think \$250 would be a maximum amount out of the bounty of the people's money, and I hope the amendment offered by the gentleman from Wisconsin will be passed.

Mr. STEPHENS of Mississippi. Mr. Chairman, in answer to the gentleman from Wisconsin, the record shows that this man suffered more than from bruise of the knees. The doctor's certificate states that he suffered contusion of the abdomen, with shock and contusion of abdominal contents, contusion and abrasion of knees.

It is stated further that this man had become very nervous since the accident. It is not surprising that he should become so, because it is stated by the employees in that department that it required them, with the assistance of 15 or more men, 20 minutes to take him out from under the files and books which covered him up. I did not prepare this report, but it happens that there is nothing stated in it in regard to his present condition. Only a few days ago, the first time I ever saw the old gentleman, I did see him, and he was in the same condition that the doctor stated, to wit, he was very nervous. The old man is almost a nervous wreck. As I said a moment ago, it is not surprising that that condition should come upon him, covered up as he was for 20 minutes under these heavy books and file cases, suffering, not as the gentleman says, with some abrasions of the knees, but contusion of the abdomen, shock, and contusion of the abdominal contents.

I think, Mr. Chairman, that the House ought not to allow this old man so small a sum as \$250. It is my judgment that he ought to be allowed a reasonable and decent sum or nothing at all.

The CHAIRMAN. The question first is on the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, strike out the figures "\$3,000" and insert "\$1,000, in full settlement of all claims against the Government."

Mr. STAFFORD. Mr. Chairman, I offer an amendment to the committee amendment. Strike out "\$1,000" and insert "\$250."

The Clerk read as follows:

Amendment by Mr. STAFFORD to the committee amendment: Strike out "\$1,000" and insert "\$250."

The CHAIRMAN. The first question is on the amendment to the committee amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 6 ayes and 27 noes.

Mr. BLANTON. Mr. Chairman, I make the point of order that no quorum is present.

Mr. STEPHENS of Mississippi. Mr. Chairman, I move that the committee do now rise.

The question was taken; and the Chairman announced that the noes had it.

Mr. STEPHENS of Mississippi. I demand tellers.

Tellers were ordered, and the Chair appointed Mr. STEPHENS of Mississippi and Mr. BLANTON as tellers.

The committee again divided; and the tellers reported—ayes 2, noes 58.

So the committee declined to rise.

Mr. GARRETT of Tennessee. Has the Chair declared that no quorum is present?

The CHAIRMAN. The Chair has not.

Mr. MANN. The point of no quorum was made some time ago.

Mr. GARRETT of Tennessee. But the Chair has not declared that no quorum was present.

Mr. BLANTON. Mr. Chairman, I withdraw my point of order, and I offer the following amendment.

The Clerk read as follows:

Amend the committee amendment by striking out "\$1,000" and inserting "\$500."

Mr. MANN. That amendment is not in order unless the other amendment is withdrawn.

The CHAIRMAN. The Chair has declared the amendment of the gentleman from Wisconsin as not agreed to, and it was not agreed to.

Mr. BLANTON. Mr. Chairman, I understand this is acceptable to the chairman of the committee and his associates.

Mr. STEPHENS of Mississippi. The gentleman from Texas is mistaken. I told him to see the author of the bill.

Mr. BLANTON. I have seen him, and the gentleman from Pennsylvania [Mr. BRODBECK] is willing to accept it.

Mr. BRODBECK. I am willing to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas to the committee amendment.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 41, noes 13.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. STEPHENS of Mississippi. Mr. Chairman, I move that the bill as amended be reported back to the House with the recommendation that it pass.

The CHAIRMAN. The gentleman from Mississippi moves that the bill be reported to the House with the recommendation that as amended it do pass.

The motion was agreed to.

MRS. W. E. CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 2012) for the relief of Mrs. W. E. Crawford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Mrs. W. E. Crawford the sum of \$140.40 in full compensation for services rendered as auxiliary carrier of mails at Decatur, Ala., from February 28, 1914, to June 28, 1914.

Mr. ALMON. Mr. Chairman, I will make this explanation: This bill is to appropriate \$140.40 to Mrs. Crawford for services rendered as auxiliary letter carrier. It is admitted by the Post Office Department that the services were rendered, and the amount is due and unpaid, but that for technical reasons the department did not see proper to pay the claim, because it was claimed that there was a civil-service register from which the postmaster should have selected some one to render this service. It is claimed by the Post Office Department that the postmaster knew that there was such a register and had been notified to make the selection from the register. It was claimed that the notice was given to him by the secretary of the Civil Service Commission. The postmaster says that he did not receive notice. The records fail to disclose any such notice to the postmaster, and even if the postmaster did have knowledge of it, Mrs. Crawford, who rendered the service, had no notice of it. I made this explanation before the committee at the last session of Congress, and the bill passed this House unanimously, but failed to pass the Senate for want of time.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ALMON. Yes.

Mr. STAFFORD. As I recall the reading of the report, she was paid up to March 28, 1914.

Mr. ALMON. Up to the time it was claimed that the Civil Service secretary notified the postmaster to discontinue her services. The postmaster states that he had no such notice, and that Mrs. Crawford was continued in the service until June 28, 1914, at \$1.50 a day.

Mr. STAFFORD. Was not the postmaster compensated at the time when he might have obtained a person from the civil-service register?

Mr. ALMON. She was paid up to the time the claim the civil-service secretary gave the notice to the postmaster; and while

It appears there was a civil-service register, the postmaster states that he could not have gotten anyone to serve from that register if he had gotten the notice.

Mr. STAFFORD. The bill states that he was paid for services from February 28, 1914, to June 28, 1914. The Postmaster General's letter in the third paragraph from the end says:

In the settlement of the postmaster's accounts, after very careful consideration by this department and the Civil Service Commission of all the facts in the case, this department allowed the postmaster's claim up to March 28, 1914, the date on which the postmaster was given a clear understanding of the situation by the district civil-service secretary.

Mr. ALMON. Yes.

Mr. STAFFORD. They allowed his claim up to March 28.

Mr. ALMON. I am asking for pay from February 28, 1914, to June 28, 1914.

Mr. STAFFORD. But he was allowed compensation, according to the Postmaster General, up to March 28, 1914, and I am rising to inquire whether the gentleman is not giving him more pay than he is entitled to, paying him for time for which he has already received compensation.

Mr. ALMON. No.

Mr. STAFFORD. There is surely some confusion here somewhere.

Mr. ALMON. The report says:

This bill is for the payment of \$140.40 earned by Mrs. Crawford as temporary auxiliary carrier of the mails at Decatur, Ala., for February 28 to June 28, 1914.

That is in the report.

Mr. STAFFORD. I think this is a mathematical error. The bill itself provides for the payment for services from February 28, 1914, to June 28, 1914. I direct the attention of the chairman of the committee to the statement as contained in the Postmaster General's letter which I just read. There is some conflict there. You are paying him in addition to what he has already received compensation for.

Mr. ALMON. There may be a difference in date there, but there is no question about the amount.

Mr. STAFFORD. The record of the department shows that he was allowed compensation up to March 28, 1914. I go further and I read—

Mr. ALMON. I am only asking in the bill for payment after February 28.

Mr. STAFFORD. I know, but he already received compensation up to February 28.

Mr. ALMON. I see what the gentleman means now.

Mr. STAFFORD. There is a conflict there, whereby you are paying him money for the month for which he has already received compensation.

Mr. ALMON. The bill ought to be amended so as to make it March 28. The amount is correct. There is no question about that.

Mr. MANN. I think he was only paid up to February 28.

Mr. ALMON. That is the way my bill reads.

Mr. STEPHENS of Mississippi. On page 10 of the report the First Assistant Postmaster General, Mr. Roper, fixed the time from February 28 to June 28, 1914.

Mr. STAFFORD. But the gentleman is reading from a letter of date March 25, 1915, and I am reading from the latest expression by the department, February 5, 1916, on page 2 of the report, the first letter in the report.

I will continue reading to show that while this postmaster has no technical right for reimbursement after February 28, 1914, notwithstanding the department allowed him compensation up to March 28, 1914, and in support of that position I will continue the reading where I left off a minute ago:

Under a strict application of civil-service rules the postmaster's claim should not have been allowed beyond the date on which the eligible register was established, February 28, 1914, but because of his ignorance and misunderstanding of the rules the Civil Service Commission agreed to approve Mrs. Crawford's employment until the date mentioned above.

What was that date? Originally March 28, 1914. There was one month's compensation for which she has already received allowance. Originally, as the letter of the First Assistant points out, and which is supported by the position of the Postmaster General, he is technically entitled to no money after February 28, but the Post Office Department allowed him compensation up to March 28, 1914.

Mr. WELLING. But if the gentleman will continue reading, and read the next paragraph—

The amount stated in the bill is the amount disallowed in the postmaster's account.

So if there is any confusion in these dates it certainly does not go to the amount that the bill asks for of \$140.

Mr. STEPHENS of Mississippi. The very next sentence below where the gentleman stopped reading shows that.

Mr. STAFFORD. This is a small matter; I went over it carefully some months ago and I gained the impression from my reading of the full report, which is of some 14 pages—I may have wasted a lot of time, perhaps, on the matter—that he was not entitled to that \$140, and I base that upon the statement of the postmaster. This is a letter addressed by the First Assistant Postmaster, January 20, 1915:

I therefore ask that you suspend the small technicality of the law and authorize the payment of this amount; also that the amount already expended, \$40.50, from February 27 to March 31, 1914, be paid. The total amount of these sums held up is \$140.40.

That confirms what I said originally. The postmaster asks for compensation from February 28 up to June 28 of a total of \$140. In that amount there was a claim for \$40.50 from February 27 to March 31, and the Postmaster General states he has been allowed that up to March 28. On that basis you are giving her about \$35 or \$40 more than to which she is entitled.

Mr. ALMON. It will amount to \$140.40, at \$1.50 a day, for the time the gentleman claims.

Mr. STAFFORD. I read this very carefully, and I could not arrive at any other conclusion but that he had received this by reason of the courtesy of the Postmaster General.

Mr. ALMON. There is no mistake in the amount of the claim.

Mr. STAFFORD. From his own statement he says the total amount, February 28 to June 28, is \$140.40. This amount, February 27 to March 31, was \$40.50, and the total amount of those sums held up is \$140.40. The Postmaster General claimed he receded from his original position and says, "We will pay you up to March 28, 1914."

Mr. MANN. Mr. Chairman, probably this claim will be allowed and paid, yet it involves quite an important general proposition. We have had a great many complaints on our side of the House that there has been quite a disregard of the civil-service law in many branches of the Government in recent days, months, and years. Many have been employed for duty, and let us assume they have performed the service, where the law provided they should not have been appointed. We have had complaints of that character. Now, here is a case where the Postmaster General reports—and there is no controversy about it—that the postmaster first ignorantly disregarding the civil-service law appointed his wife as a carrier of mail. She has been paid for the time while he was in ignorance. She was appointed when there was no civil-service register for the place. Afterwards a civil-service register was posted and the department says the postmaster was fully cognizant of the fact and of the law but he deliberately, according to the statement of Gen. Burleson, disregarded the law and continued the appointment of his wife, and—so far as I know there is no reason why he should not have appointed his wife to perform the service; maybe he could not have gotten anybody else to do it as well—deliberately disregarded the law. The Civil Service Commission after consideration of the case authorized the payment of the time while he was in ignorance but declined to authorize the payment of compensation after he knew better. The Postmaster General winds up his letter on the subject in the report on this bill in this way:

There is no question as to the performance of the service by Mrs. Crawford, but this department can not recommend the enactment of this bill because the postmaster persistently and knowingly violated the civil-service rules.

Now, the lady who performed the service was probably as well posted on the subject as her husband who made the appointment. Of course the service so performed would not have cost any less to have it performed by somebody else, but after all it is a question, where the service is required and performed and appointment has been made in flat violation of law, with a willful disregard of law, whether Congress should take special action to pay the person who has not only himself or herself disregarded the law, but whose superior making the appointment disregarded the law. Why should not anybody disregard the law in reference to appointment if they are to be paid just the same as though the law had been complied with?

Mr. ALMON. Mr. Chairman, just another word. The statement of the Postmaster General that the postmaster had notice of the civil-service register is based upon the statement that the civil-service secretary had given the notice to the postmaster. There is nothing in the record, there is nothing furnished by the Post Office Department showing that the civil-service secretary gave the notice to the postmaster. The postmaster states positively that he did not have the notice. Now, if the postmaster had gotten the notice from the civil-service register then there would be something on which the Postmaster General could have based this statement, and if that notice was given by the civil-service secretary to the postmaster there



ought to be some evidence of it, and some record of it should have gone into this hearing before the committee.

It is not in there, which corroborates the postmaster when he makes his statement that he did not get such a notice, and for that reason he continued Mrs. Crawford in the service. It is stated the lady who did this work was the wife of the postmaster. That is true, and his predecessor had his daughter in this service for many years. It is usual and customary down there. And besides that, there is no question but that her work was efficient and that she performed it faithfully and well. The hearings show that just before that time by the civil-service register that there were four or five on the register, and the postmaster was unable to get anyone of them to serve. Now, this same question was raised, and my good friend from Illinois [Mr. MANN] reserved his objection when we had it up last Congress, and when I made this explanation he withdrew his objection, and I am quite sure he is not going to oppose the passage of the bill at this time.

Mr. MANN. I am not.

Mr. STAFFORD. Will the gentleman yield?

Mr. ALMON. Yes.

Mr. STAFFORD. Has the gentleman examined the record since I addressed the House as to the amount? I can not, after going over it again, find that I am in error in my position that she was paid this \$40 from February 28 to March 28.

Mr. ALMON. No. I have been listening to the gentleman from Illinois [Mr. MANN].

Mr. SHALLENBERGER. I have computed it at \$1.50 a day for 93 days, which, of course, is \$139.50. She evidently was paid for the extra month, but still has \$139.50 under the bill.

Mr. ALMON. The statement shows that the auxiliary letter carrier was allowed \$1.50 a day.

Mr. EDMONDS. I would like to call the attention of the gentleman from Wisconsin to the fact that in the same letter the postmaster states the amount in the bill is the amount disallowed in the postmaster's account.

Mr. STAFFORD. After he had been given an allowance.

Mr. MANN. This claim is for 93 days.

Mr. ALMON. Yes.

Mr. MANN. That would be from March 28 to June 28 and not from February 28. From February 28 to June 28 is four months.

Mr. ALMON. Mr. Chairman, I move to amend the bill in the eighth line by striking out "February" and inserting in lieu thereof "March."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. ALMON moves to amend, page 1, line 8, by striking out the word "February" and insert in lieu thereof the word "March."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALMON. I move that the bill be reported to the House as amended, with the recommendation that it do pass.

The motion was agreed to.

Mr. LONDON. Mr. Chairman, may I ask unanimous consent that the committee take up out of order a bill, No. 144 (H. R. 8473), page 36? It is the only private bill I have introduced. It will take but a minute or two.

Mr. BROWNING. Mr. Chairman, I object. I have a bill on the calendar.

Mr. FAIRFIELD. I have one bill on the calendar, and it comes next.

The CHAIRMAN. The gentlemen object.

IRA G. KILPATRICK AND GUY D. DILL.

The next bill in order on the Private Calendar was the bill (H. R. 8444) for the relief of Ira G. Kilpatrick and Guy D. Dill. The bill was read, as follows:

*Be it enacted, etc.,* That the title of Ira G. Kilpatrick and Guy D. Dill, as tenants in common, in and to the west half of the southeast quarter of section 3, township 32 north, range 8 east, in the district of lands subject to sale at Fort Wayne, Ind., in Whitley County, Ind., as assignee from Jonathan Pearson, by conveyance be, and the same is hereby, quieted and confirmed, and patent therefor shall issue to the said Ira G. Kilpatrick and Guy D. Dill as tenants in common.

Also the following committee amendment was read:

Committee amendment: After the word "common," in line 11, insert "upon payment to the United States of \$1.25 per acre."

Mr. FAIRFIELD. Mr. Chairman, this bill is a bill to perfect the title for 80 acres of land held for something like over 50 years on a tax title. It was found rather a strange circumstance that they taxed the land, sold the tax title, then went upon it and improved it, and ditched it, and to-day the land is worth perhaps \$50 or \$60 an acre. The bill has passed the House once before, but too late to have action upon it in the Senate.

It has been recommended by the committee and also by the Secretary of the Interior.

Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question first arises on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion made by the gentleman from Indiana to lay aside the bill H. R. 8444 as amended, with a favorable recommendation.

The motion was agreed to.

Mr. STEPHENS of Mississippi. Mr. Chairman, I move that the committee do now rise and report the bills back to the House with the recommendations of the committee.

The CHAIRMAN. A motion is made by the gentleman from Mississippi that the committee do now rise and report the bills back to the House with the recommendation, in some instances, that the bills be laid on the table and, in other instances, that the bills, with and without sundry amendments, be passed.

Mr. MANN. Not all of them should pass. They should be reported back to the House, with the recommendations made by the committee.

The CHAIRMAN. That motion is made by the gentleman from Mississippi. The question is on agreeing to the motion.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. GARD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration certain bills on the Private Calendar and had directed him to report the same back to the House, with the recommendation that as to some of them they be laid on the table, and that as to others, some with amendments and some without amendments, that they be passed.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration sundry bills and has directed him to report the same back to the House, some with amendments and some without, with the recommendation that the amendments be agreed to and that the bills do pass, and three with the recommendation that they lie on the table. The Clerk will report the first of these bills.

STEAMSHIP "CALDERA."

The Clerk read as follows:

A bill (H. R. 4988) to authorize the changing of the name of the steamship *Caldera*.

The SPEAKER. Without objection, it will lie on the table. There was no objection.

COL. DAVID L. BRAINARD.

The Clerk read as follows:

A bill (S. 979) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The SPEAKER. Without objection, the bill will lie on the table, according to the recommendation of the committee.

There was no objection.

CLAIMS AGAINST THE CHOCTAW AND CHICKASAW NATIONS.

The Clerk read as follows:

A bill (H. R. 329) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims.

The SPEAKER. Without objection, it will lie on the table. There was no objection.

MARY NEAF.

The Clerk read as follows:

A bill (H. R. 7715) for the relief of Mary Neaf.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HARRIET FISHER.

The Clerk read as follows:

A bill (H. R. 855) for the relief of Harriet Fisher.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ALEXANDER F. McCOLLAM.

The Clerk read as follows:

A bill (H. R. 1423) for the relief of Alexander F. McCollam.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DAVID E. GRAY.

The Clerk read as follows:

A bill (H. R. 1607) for the relief of David E. Gray.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM M. WILSON.

The Clerk read as follows:

A bill (H. R. 2635) to authorize the issue of a patent to certain land in Alabama to William M. Wilson.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ALMA HARRIS.

The Clerk read as follows:

A bill (H. R. 4240) for the relief of Alma Harris.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS CAMPBELL.

The Clerk read as follows:

A bill (H. R. 1873) for the relief of Thomas Campbell, with amendments.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLES LYNCH.

The Clerk read as follows:

A bill (H. R. 1954) for the relief of Charles Lynch, with amendments.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JEREMIAH STOVER.

The Clerk read as follows:

A bill (H. R. 667) for the relief of Jeremiah Stover.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CLEMENT H. COLE.

The Clerk read as follows:

A bill (H. R. 3090) for the relief of Clement H. Cole, with amendments.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MARSHALL POOL.

The Clerk read as follows:

A bill (H. R. 2492) to establish the military record of Marshall Pool.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAJ. CHALMERS G. HALL.

The Clerk read as follows:

A bill (S. 3299) authorizing the President to reappoint Maj. Chalmers G. Hall, retired, to the active list of the Army.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

JENNIE M. HEATH.

The Clerk read as follows:

A bill (H. R. 10225) striking from the pension roll the name of Jennie M. Heath.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS J. ROSE.

The Clerk read as follows:

A bill (H. R. 925) for the relief of Thomas J. Rose, with amendments.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY J. LACEY.

The bill (H. R. 8856) for the relief of Mary J. Lacey, reported from the Committee of the Whole without amendment, was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS G. ALLEN.

The bill (H. R. 4610) to compensate Thomas G. Allen for injuries received while employed in the General Land Office of the United States, and making an appropriation therefor, was reported from the Committee of the Whole with an amendment.

The amendment was agreed to and the bill as amended ordered to be engrossed and read a third time, was read the third time, and passed.

MRS. W. E. CRAWFORD.

The bill (H. R. 2012) for the relief of Mrs. W. E. Crawford was reported from the Committee of the Whole House with an amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

IRA G. KILPATRICK AND GUY D. DILL.

The bill (H. R. 8444) for the relief of Ira G. Kilpatrick and Guy D. Dill was reported from the Committee of the Whole with an amendment, the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

Mr. STEPHENS of Mississippi. Mr. Chairman, I move to reconsider the votes whereby the several bills were passed and that that motion lie on the table.

The motion was agreed to.

SALE OF LANDS MISSOULA COUNTY, MONT.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9865) to authorize the sale of certain lands to school district No. 28, of Missoula, Mont.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to school district No. 28, of Missoula County, Mont., the southwest quarter of the southwest quarter of the southeast quarter of section 36, township 21 north, range 20 west, on the Flathead Indian Reservation, in Montana, or so much thereof as may be required, for public school purposes, under such terms and regulations as he may prescribe, at not less than its appraised value; and the net proceeds from the sale of said land shall be deposited in the Treasury of the United States to the credit of the Flathead Indians, to draw interest at the rate now provided by law, and to be used for the benefit of the Indians on the Flathead Indian Reservation: *Provided,* That the patent therefor shall contain the condition that Indian children residing in the said school district No. 28 shall at all times be admitted to the privilege of attendance and instruction on equality with white children.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. EVANS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBBINS. May I ask at what price these lands are to be sold? This is a quarter section?

Mr. EVANS. No; there is only about 10 acres of the land. The land was appraised by a commission and was turned over to the town of Ronan. But the town of Ronan can not turn it over to the school district, and there is no other way to make it available except by this legislation.

The SPEAKER. The question is on the engrossment and third reading of the bill.



The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EVANS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### LEAVE OF ABSENCE.

Mr. MARTIN, by unanimous consent, was granted leave of absence for 15 days on account of important business.

#### ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11709. An act granting the consent of Congress to Norman County, Minn., and Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States.

#### ADJOURNMENT OVER.

Mr. KITCHIN. Mr. Speaker, on yesterday unanimous consent was given that when the House adjourns to-day it adjourn to meet on Monday next. I ask unanimous consent to modify that so that when the House adjourns to-day it adjourn to meet on Saturday next, with the understanding that nothing will be done on Saturday except the filing of the report of the Committee on Rivers and Harbors, and then a motion to adjourn will be made immediately thereafter.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to modify the order of yesterday that when the House adjourns it adjourn to meet next Monday so that it will meet on Saturday next. Is there objection? [After a pause.] The Chair hears none.

#### ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.) the House, under its previous order, adjourned until Saturday, December 21, 1918, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation required by the Department of Agriculture for the eradication of the potato wart (H. Doc. No. 1605); to the Committee on Agriculture and ordered to be printed without illustrations.

2. A letter from the Secretary of War, transmitting a tentative draft of a bill to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes (H. Doc. No. 1606); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Acting Secretary of State, transmitting copy of a dispatch from the American minister at Panama communicating a copy of the resolution adopted by the National Assembly of Panama on November 11 last, felicitating the Government of the United States and the Governments of the allies on the signature of the armistice on November 11, 1918 (H. Doc. No. 1607); to the Committee on Foreign Affairs and ordered to be printed.

4. A letter from the Secretary of Commerce, transmitting a statement of the expenditures in the Coast and Geodetic Survey for the fiscal year ended June 30, 1918 (H. Doc. No. 1608); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BRUMBAUGH, from the Committee on Railways and Canals, to which was referred the bill (H. R. 11579) to authorize the appointment of a board of engineers to make a preliminary location, survey, and plans for a canal connecting the waters of Lake Erie and the Ohio River on the line of the Miami & Erie Canal from Toledo to Cincinnati, Ohio, and from a point near Defiance, Ohio, to a point in the southerly end of Lake Michigan, and to estimate the cost thereof, reported the same with amendment, accompanied by a report (No. 875), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law, reported the same with amendment, accompanied by a report (No. 877), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13306) to authorize the payment of allotments out of the pay of enlisted men in certain cases in which these payments have been discontinued, reported the same with amendment, accompanied by a report (No. 876), which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 13441) to authorize advances to the reclamation fund, and for the issue and disposal of certificates of indebtedness in reimbursement therefor; to the Committee on Ways and Means.

By Mr. GOULD: A bill (H. R. 13442) authorizing and providing for the purchase of land abroad for military cemeteries, and for their preservation and maintenance, in which to inter the remains of officers and enlisted men of the American Expeditionary Forces killed in battle or who have died abroad; to the Committee on Military Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 13443) to provide for the organization of an army to be used abroad, known as the Army of Occupation, and the discharge of enlisted men in the military service not included in the Regular Army; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 13444) to commission members and chief clerks of local and district draft boards; to the Committee on Military Affairs.

By Mr. WELTY: A bill (H. R. 13445) to provide for the registration and Americanization of aliens; to the Committee on Immigration and Naturalization.

By Mr. MORIN: A bill (H. R. 13446) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Allegheny River at or near Sixteenth Street, in the city of Pittsburgh, county of Allegheny, in the Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13447) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Allegheny River at or near Millvale Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES B. SMITH: A bill (H. R. 13448) to amend the act entitled "An act to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens," approved August 17, 1916; to the Committee on Patents.

Also, a bill (H. R. 13449) amending section 4904 of the Revised Statutes of the United States; to the Committee on Patents.

Also, a bill (H. R. 13450) amending chapter 143 of the act of March 3, 1883, and for other purposes; to the Committee on Patents.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARKLEY: A bill (H. R. 13451) to pension Lettie A. Troutman, dependent mother of Charles Troutman, late of the United States Navy; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 13452) granting an increase of pension to Elisha S. Perkins; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 13453) granting an increase of pension to George W. Shuck; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13454) granting a pension to Nancy Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13455) granting a pension to William H. Hart; to the Committee on Pensions.

Also, a bill (H. R. 13456) granting a pension to George W. Foust; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13457) granting a pension to David A. Turner; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 13458) granting a pension to Hiram Dillon; to the Committee on Pensions.

By Mr. CHARLES B. SMITH: A bill (H. R. 13459) for the relief of George Deitz; to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 13460) granting a pension to Samuel S. Daniell; to the Committee on Pensions.

By Mr. WHITE of Ohio: A bill (H. R. 13461) granting a pension to Edward C. Crawford; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ESCH: Evidence to accompany H. R. 13408, granting a pension to Clark Sturdevant; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of A. H. Cohn (Inc.) and Slade, Tenney & Weadley, of Chicago, protesting against a discriminating tax on jewelry, and asking that all industries be taxed alike; to the Committee on Ways and Means.

By Mr. RAKER: Resolution by military order of Loyal Legion of the United States, Commandery of the State of Illinois, requesting Representatives of the Lower House of Congress from State of Illinois to use their endeavors to have Senate bill 130, or the bill prepared by Congressman Raker, reported out that it may come to a vote; to the Committee on Military Affairs.

#### SENATE.

FRIDAY, December 20, 1918.

(Legislative day of Sunday, December 15, 1918.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, N. Mex.	Myers	Smoot
Bankhead	Jones, Wash.	New	Spencer
Culberson	Kellogg	Norris	Sterling
Curtis	Kendrick	Nugent	Swanson
Fernald	Kenyon	Page	Thomas
France	King	Penrose	Townsend
Frelinghuysen	Knox	Pittman	Trammell
Gay	La Follette	Polindexter	Underwood
Gerry	Lenroot	Pollock	Vardaman
Gronna	Lodge	Saulsbury	Walsh
Hale	McCumber	Shafroth	Warren
Harding	McKellar	Sheppard	Watson
Henderson	McLean	Simmons	Weeks
Hitchcock	Martin, Ky.	Smith, Ariz.	
Johnson, Cal.	Martin, Va.	Smith, Ga.	
Johnson, S. Dak.	Moses	Smith, S. C.	

Mr. McKELLAR. I desire to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness.

Mr. SAULSBURY. I wish to announce that the senior Senator from Maryland [Mr. SMITH] is necessarily absent on important business of the Senate.

Mr. STERLING. I desire to announce that Senators NELSON, OVERMAN, WOLCOTT, and REED are necessarily absent on official business.

Mr. CURTIS. I wish to announce that the Senator from Illinois [Mr. SHERMAN] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I desire to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from California [Mr. PHELAN] are detained on important public business.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

#### BUSINESS OF THE SENATE.

Mr. LODGE. Mr. President—

Mr. SIMMONS. If the Senator will pardon me, I wish to state to the Senate, in fact I was requested to state to the Senate, that arrangements have been made for an adjournment for the holidays as soon as the revenue bill is passed; that is to say, if the bill is passed on Saturday or on Monday arrangements have been made to recess until the 2d day of January. Of course that would not be the case if we fail to pass the bill by Saturday night or at furthest by Monday.

#### PERSONAL EXPLANATION.

Mr. LODGE. Mr. President, I rise to a question of personal privilege.

I notice in the Associated Press dispatch to the Washington Post this morning the following statement at the end of the dispatch on page 3:

President Wilson continues to receive exhaustive reports of what is going on in Washington and the United States, and he has read the 21 points outlined by Senator Lodge in a speech in the Senate.

What particular form of misinformation has been given to the President or what particular form of misrepresentation of the President is implied in that statement I can not tell, but I do know exactly what the misrepresentation is so far as it affects me. I have made no speech in the Senate, and I have not outlined 21 points or any other number of points.

On the 10th of December I introduced a statement from the executive board of the National Committee of Patriotic Societies, representing 46 leading patriotic war organizations, and I asked that it be printed in the RECORD and referred to the Committee on Foreign Relations. They were resolutions in the nature of a petition. It is needless to say here that we all introduce resolutions and petitions which may not represent our personal views at all, because it is the duty of a Senator to present petitions sent to him by his constituents whether he agrees with them or not. Those 21 points, many of which are excellent, were not mine nor did they represent my views. It represented the views of 46 patriotic war organizations. I hope to-morrow to speak, and then I shall give my own views in my own way. These resolutions included among them "international arbitration and league of nations as complement to the policy of national defense" and "the control of raw materials by the allies."

I do not think myself that the league of nations or any provision looking in that direction ought to be made a part of the peace with Germany. I feel very strongly it should be treated separately entirely. As to the control of raw materials by the allies and the United States, I have never heard of such a proposition except in this way.

As I said, Mr. President, everybody knows that we all present petitions and resolutions which do not represent in the slightest degree our own opinions. That it is well known here is shown by an article printed in the New York World, which speaks about this matter and the interpretation given it abroad, and says:

The newspapers began gravely discussing "Senator Lodge's statement of peace terms." He promptly and properly explains that the communication he offered did not represent his personal views.

I stated that to the press some days ago, and it is known, as that shows, to the American press; and now comes back this thing from Paris, I have no doubt misrepresenting the President, utterly misrepresenting me.

This is not a time, Mr. President, for such misrepresentations to be made. This subject is too important, the utterances here in the Senate carry too much weight for such misrepresentation.

I am told it was said that some newspaper correspondent in New York sent it out that I was going to advocate these 21 points. Of course, that is pure misrepresentation and invention.

Mr. President, it is an illustration of the inaccuracy, to use no harsher word, of the reports which we receive from Paris and which Paris receives from us. To such opinions as correspondents choose to put out I have no objection, but no responsible press association has any right to misrepresent facts in this great debate now going on.

I desired to make this explanation and show the utter falsity of what I have quoted, and I hope that the great press association which committed the error will correct it in Paris.

#### FREEDOM FOR GREEKS.

Mr. SMOOT. I have a telegram from the chairman of an organization of Greek people in the State of Utah, and with it the request of the organization to have it printed in the RECORD. I ask that that may be done.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

PRICE, UTAH, December 19, 1918.

HON. REED SMOOT,  
United States Senate, Washington, D. C.

Kindly present the following resolution to the United States Senate and House of Representatives:

We, 2,000 law-abiding American citizens of Greek descent, residing in Carbon County, Utah, by resolution appeal to the honorable House of Representatives of the United States of America for liberty and unity for the Greek Nationals, all Grecian people residing in Thrace, Asia Minor, Epirus, and the Aegean Islands, who have suffered for 450 years under barbarous Turks. The majority of said territories are Greek. There are in the Vilayets of Konstantinopolis and Adrianopolis 800,000 Greeks, having 658 schools, 1,500 teachers, and 80,000 pupils; North Epirus and Koritsa, 222,000 Greeks, 275 schools, 386 teachers, and 13,000 pupils; Aegean Islands, 105,000 Greeks. All of